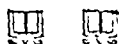


India's Parliament

Volume XII

*Selections from the Proceedings of the Fourth
Session of the Second Legislative Assembly
and the Second Council of State, 1926.*



Prepared by the
DIRECTOR, BUREAU OF PUBLIC INFORMATION
GOVERNMENT OF INDIA



CALCUTTA GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH

1926

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APPENDIX III

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and action taken by Government thereon

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India's Parliament at Delhi.

Foreword

For the first time since the bi-cameral Legislature took the place of the old Imperial Legislative Council the Council of State and the Legislative Assembly met on different dates and His Excellency the Viceroy consequently addressed them separately. The Assembly met on the 20th January and the Council of State, after the new elections, on the 8th February 1926. The attendance in both the Chambers was as good as in any previous Session and as the following pages will show, the Session was one of the heaviest. Reference has been made in past numbers of this publication to the manner in which in spite of controversies the atmosphere of both Houses continued to be friendly and also to the fact that the two main non-official parties, namely, the Swarajists and the Independents, did not always see eye to eye or unite in voting against the Government. A new development, however, occurred last Session when on the 8th March the Swarajists withdrew in a body from the Legislative Assembly. The circumstances under which the withdrawal took place will be discussed later, but so far as it affected the relations between the officials and the non-officials it might be mentioned that if social functions are any evidence of the continuance of friendly feeling such evidence was afforded in a largely attended At-Home which was given by the Leader of the Swaraj Party the very week the withdrawal took place and which both officials and non-officials attended.

His Excellency's address to the Legislative Assembly

His Excellency the Viceroy addressed the Legislative Assembly on the 20th January 1926. After welcoming the members and congratulating the new President on the very important office to which he had been elected His Excellency referred to the message he had sent to His Majesty the King-Emperor on Queen Alexandra's death offering him on behalf of India the deepest sympathy. Relations with the Kingdoms of Afghanistan and Nepal and with other neighbours on the borders continued to be friendly. General tranquillity on the North-West Frontier continued and steady progress was taking place towards pacification in Waziristan. His Excellency referred to the report of the Indian Delegation to the Sixth Session of the Assembly of the League of Nations and to its importance because it strove to make clear the special interests of India in the League and the attitude which in the view of India's delegates was best calculated to advance those interests and to give India a prominent position in the League. His Excellency also welcomed the statement in the report regarding the allocation of expenses and appointments in the Secretariat of the League.

As regards internal conditions in India His Excellency felt that the change for the better in trade and industry which had taken place in the last five years had been radical and conditions were settling down to a stable situation favourable to slow but sure general progress. The staple industry of the country, namely, agriculture, had been engaging the attention of the Government for some time, and though striking progress had been made in promoting the science of agriculture and introducing improvements, it seemed to be beyond dispute that in view of the great importance of agriculture to India and of the large numbers of the population engaged in it there was room for even greater and more extensive co-ordination of effort towards agricultural improvement. The situation called for a remedy of a comprehensive nature and it was considered unlikely that a Central Board of Agriculture in India could carry out the precise objects which must fall within the scope of the enquiry. It appeared to His Excellency and his Government that the requirements of the situation could only be met by the appointment of a Royal Commission which should include members from outside India possessing knowledge and experience of agriculture in other countries as well as members from India with local knowledge of agriculture and rural economy and in full sympathy with the Indian agricultural population. His Majesty the King-Emperor had approved the appointment of a Royal Commission—

“Generally—

to examine and report on the present conditions of agriculture and rural economy in British India and to make recommendations for the improvement of agriculture and the promotion of the welfare and prosperity of the rural population,

and in particular, to investigate—

- (a) the measures now being taken for the promotion of agriculture and veterinary research, experiment, demonstration and education, for the compilation of agricultural statistics, for the introduction of new or better crops and for improvement in agricultural practice, dairy farming and the breeding of stock,
- (b) the existing methods of transport and marketing of agricultural produce and stock,
- (c) the method by which agricultural operations are financed and credit afforded to agriculturists,
- (d) the main factors affecting rural prosperity and the welfare of the agricultural population and to make recommendations

It will not be within the scope of the Commission's duties to examine the existing system of land-ownership and tenancy, or of the assessment of land-revenue and irrigation charges, or the existing division of functions between the Government of India and the Local Governments. But the Commission shall be at liberty to suggest means whereby the activities of the Government of India may best be co-ordinated and to indicate directions in which the Government of India may usefully supplement the activities of Local Governments.”

In His Excellency's view this decision embodied a measure of cardinal importance and it could bring nothing but advantage to the country as a

whole and to those classes of people whose interests must always be of supreme importance to both the Central and the Provincial Governments

Turning to the position of Indians in South Africa, which was causing Government most anxious thought, His Excellency remarked that approximately 102,000 among the Indian community in South Africa were South African born and descendants of indentured labourers in Natal who had been permitted to settle in the country on the expiration of their indentures. The disabilities which had been imposed upon Indians there were of a serious and varied nature and embraced galling social disabilities, restrictions on the acquisition of political and municipal franchise except in the Cape, regulations regarding inter-provincial movements, licensing laws and restrictions on the acquisition of land. There had been continuous progress in legislation in South Africa prejudicial to the position of Indians and tending to make it increasingly difficult for them to prosper or even to exist in the Dominion. Against this legislation His Excellency's Government had made repeated representations with varying degrees of success. But further anti-Asiatic legislation had been recently introduced and was pending before the Union Parliament. It proposed to empower urban authorities compulsorily to segregate Indians and to confine their rights of trading and of acquiring property to the limits of the areas assigned to them. The Bill contained further restrictive provisions regarding the acquiring or leasing of land outside the coastal belt in Natal, immigration, importation of wives and families and inter-provincial movements. Indian sentiment had always been strenuously opposed to compulsory segregation as inflicting a racial stigma and the legislation pending was felt to be a breach of the Smuts-Gandhi agreement and a repudiation of a policy believed to have been established on the recommendations of the Asiatic Enquiry Committee. The principle of segregation had been denounced by the Government of India, and in Kenya His Majesty's Government had decided that it was not to be applied in townships. The principle of the Bill appeared to the Government of India to be radically objectionable and the aversion to that policy had been intensified by Dr. Malan's statement that the measure was based on the general proposition that the Indian was an alien in the Union and no solution of the question would be acceptable unless it resulted in a very considerable reduction of the Indian population. The Government of India had kept His Majesty's Government in continuous and close touch with their general views on the question and with the strength of the feeling which the general disabilities imposed on Indians and particularly this measure had evoked. They had also made it clear that they fully sympathised with the sentiment which all classes in India had expressed on these questions. Since April last the Government of India had been in continuous correspondence with the Government of the Union and had repeatedly pressed upon them the need for a conference. The Union Government had not been able to agree to a conference, though they were inclined to agree to one restricted to the consideration of a more effective repatriation scheme to which the Government of India on their part were unable to agree. A Deputation had been sent to South Africa to collect information regarding the economic and general position of Indians in the Union, and the Government of India still kept in view the possibility of a conference to which they attached the greatest weight. The interim reports received from the Deputation had given

Government valuable information and they did not despair of persuading the Union Government that there was the strongest ground for a conference, or in the alternative, for an enquiry before further Parliamentary steps were taken with regard to the pending legislation. His Excellency highly commended the expedition with which the members of that Deputation had left India at very short notice and emphasised that faced as they were with a critical situation they could not have delayed the departure of that Deputation when news reached them that a Deputation was coming from South Africa to place its case in India. Moreover, the purposes of the two Deputations were not identical and the Deputation from South Africa had been able to supply the Government of India with facts of considerable importance and to explain points which, in the absence of local information, might previously have been imperfectly appreciated or understood. The whole question was at the moment under negotiation and Lord Reading asked the House to have confidence that Government were striving their utmost, to find a basis of discussion with the Union Government before the latter were committed to the principle of the Bill. The Government and the Ministry of the Union were responsible to their electorate and they regarded this legislation as domestic in its character. In the view of the Government of India, however, far greater considerations were involved and they had an important bearing upon the Empire as a whole. "The proposed measures are not in our view," said His Excellency, "in accordance with those principles which bind the Empire together in community of sentiment, and we hope that this aspect of the proposals may yet commend itself to South African opinion. Even on the narrower issue of economic necessity we believe, from the information now received by us, that the situation may be capable of adjustment in other ways." His Excellency hoped that "a cause which, as it appears to us, has reason and equity on its side will ultimately prevail." It is gratifying to note that His Excellency was not hoping in vain because the Union Government have agreed to a conference.

Coming to the questions about to engage the attention of the Legislature, His Excellency referred to the demand for the abolition of the cotton excise duty and remarked that when a resolution was passed for its suspension in September last the Government were not prepared on the insufficient data regarding the financial situation then available to commit themselves, but by the end of November when the prospects of the year were more fully declared it appeared to them that no serious financial risk would be incurred by suspending the duty and an Ordinance suspending the duty had accordingly been issued, and unless the financial position disclosed in the budget estimate substantially failed to confirm anticipations Government hoped to place before the Legislature proposals for the abolition of the duty. "The decision was that of my Government," said His Excellency, "based upon financial considerations only, and there was no foundation for the statement that Government could not accept the proposal in September because the Secretary of State was opposed to it." His Excellency next referred to the very high regard and esteem in which the Judicial Committee of His Majesty's Privy Council was universally held in India in connection with their Indian appellate work, an impression which was in no small measure due to the two distinguished members of that Committee who had brought their experience and knowledge of Indian law to bear upon the problems submitted to them. In order to perpetuate the benefits of the scheme it was

desired in future appointments to secure persons from India of eminent qualifications as regards knowledge and experience of Indian law and practice and it therefore became necessary to offer them adequate emoluments. It was suggested that in future appointments the emoluments of each of the two members should be £4,000 per annum half of which should be a charge on Indian revenues and proposals to this effect would be placed before the Legislature.

His Excellency testified to the lively interest the Assembly had taken in the railway policy of the Government and to the satisfactory results which had arisen from the reorganisation of the Railway Department and the separation of Railway from general finance. The Railways had been able satisfactorily to consolidate their financial position and it had become possible to make a beginning in the reduction of rates and fares. It had become possible to establish a rates tribunal to adjudicate upon disputes between Railways and the public on questions of rates and fare and a Rates Advisory Committee would at an early date be set up for the purpose.

Lord Reading reminded the House of Lord Birkenhead's important pronouncement in the House of Lords and of the manner in which His Excellency himself had, on his return from England, striven to persuade the political leaders of India to grasp the hand of friendship and good will which had been held out to them and to abandon the attitude of threat or menace. His Excellency had hoped that the leaders of Indian political thought might seize the opportunity afforded to them that they might elect to comply with the request made and thus pave the way for an earlier appointment of the statutory Commission and for the inception of a new era in political relations between India and Government. But to his regret the realisation had fallen short of the extent of His Excellency's hopes. "So far the appeals made with the object of promoting harmony and concord," said His Excellency, "have failed to evoke that clear and definite response from India which should have been unmistakable in its manifestations and have left no room for doubts or ambiguities. A more generous response would I feel sure have evoked generous action. The heart of Britain would have been won by immediate and sympathetic acceptance of the advances she had made and a new situation would have been created based upon mutual trust and good-will." His Excellency believed that there was the beginning of the growth of better relations but he wished that the evidence had been more marked. There was some improvement in the general attitude, the tone and temper of politicians towards Government but here again His Excellency wished that "it had been more definite and unmistakable and also more general." His Excellency willingly recognised that in the course of the debate on the Government resolution relating to the Muddiman Committee Report individual opinions had been expressed suggestive of a desire to meet

watch events here and throughout the country with deep interest, and it is my earnest prayer that the hopes, to which I still cling, may not be disappointed, and that a new era may dawn in Indian progress—an era of more sympathetic understanding, more widespread trust and more universal good-will ”

His Excellency the Viceroy addressed the Council of State on the 9th February 1926 It was in order to mark his regard for the important

Viceroy's address to the Council of State position of the Chamber and his esteem for the public services to the people and the administration it had rendered in the past that His Excel-

lency desired to offer welcome and encouragement to those to whom it would now fall to carry on the traditions of the Chamber and to exercise the influence assigned to it by the Constitution In the Council His Excellency saw a number of old acquaintances who had been members of the first Council of State and had displayed the high qualities of experience, sobriety of judgment, sense of duty and devotion to the best interests of India Then there were the new members with some of whom His Excellency had already formed personal acquaintance and others who were known to him by the record of their public work His Excellency congratulated them all on the wide field of interest and activity which their election to the Council of State opened to them and expressed his confidence that he could rely upon them in their actions to bear in mind the weighty responsibilities assigned to that Chamber

In connection with the position of Indians in South Africa, Lord Reading appreciated the action of the Legislative Assembly in postponing the discussion of the resolution on the subject because debate at that moment might have prejudiced the delicate and critical negotiations which were then proceeding His Excellency asked the Legislature to have a little further patience

Dealing with the Royal Commission on Agriculture, His Excellency referred to the lively interest the Council of State had taken in the subject because resolutions with the object of increasing agricultural productivity and improving the economic conditions of the rural population had been passed on a motion of Sardar Jogendra Singh in July 1923 and March 1924 and of Mr Sethna in February 1924 His Excellency strongly repudiated the suggestion that there was any dark political motive in the appointment of the Commission His Excellency's Government had had under their consideration the adoption of a new policy regarding opium exports from India in accordance with the trend of opinion in a number of other countries and with the views which had been freely expressed in India They had carefully examined the new obligations under Article 1 of the Protocol to the Convention of the Second Opium Conference at Geneva and as a result they had come to the conclusion that in order at once to fulfil their international obligations and to obviate the complications that might arise from the delicate and invidious task of attempting to sit in judgment on the internal policy of other Governments, it was desirable that they should declare publicly their intention to reduce progressively the exports of opium from India so as to extinguish them altogether within a definite period, except as regards exports of opium for strictly medical purposes Government further proposed to discontinue altogether the system of auction sales of opium in India as soon as the agreement for direct sale, which was being negotiated with the Government of French Indo China, was concluded

The question of taking the first steps towards the creation of an Indian Navy had been under the consideration of Government for some time, and this was one of the tasks to which Lord Rawlinson had devoted much of his time and energy. The intention of Government had been strengthened by the strong recommendation of the Mercantile Marine Committee to reorganise the Royal Indian Marine on the lines of a combatant naval force and they had decided during the last cold weather to invite a Committee under the Presidency of Lord Rawlinson with Vice-Admiral Richmond and Sir Bhupendia Nath Mitra as members to formulate definite proposals. The Committee's recommendations had been accepted in general principle by the Government of India and forwarded to the Secretary of State for approval. The Viceroy announced the decision of His Majesty's Government in the following terms —

"Subject to the necessary legislation being effected, it has been decided to reconstruct the Royal Indian Marine as a combatant force to enable India to enter upon the first stage of her naval development, and ultimately to undertake her own naval defence. Subject to the approval of His Majesty the King Emperor, the service will be known as the Royal Indian Navy and will fly the White Ensign. Its functions in peace time will be as defined in paragraph 3 of the Report of Lord Rawlinson's Committee. Its most important aspect in the early stages will be that of a training squadron. It will train the *personnel* for service in war. For this purpose it will become from the first a sea-going force. In addition in peace time its functions will include the services required by the Government of India in the Indian Ocean and Persian Gulf, the organisation of naval defence at ports, marine survey in the Indian Ocean and marine transport work for the Government of India. The fleet will consist, in its first stage of development, of the vessels enumerated in paragraph 4 of the report. The inauguration of the Royal Indian Navy will be entrusted to the *personnel* of the existing service, subject to any necessary readjustment of cadres, and Indian gentlemen will be eligible to hold commissioned rank in that service. The changes which this policy involves will be carried out as soon as an agreement has been reached, in consultation with the Admiralty, and with other authorities whose expert advice and assistance will be necessary, on detailed questions of administration, organisation and finance."

The decision embodied an important principle and would afford opportunities for fulfilling India's ambition of defending her coasts, her harbours and her commerce. To the imagination of those who understood the traditions of the British Navy the privilege of flying the White Ensign would appeal with special significance. India was thereby admitted at the outset of her naval career to share in the record of centuries of proud and gallant traditions for which that Ensign stood. That privilege carried with it the great responsibility of rendering service worthy of the honour conferred and His Excellency felt sure that it would be courageously undertaken as a vital part of India's natural ambition and hope. To Indians a new and honourable career of national service had been opened and His Excellency looked to those who might elect to set out on this career to use every effort to fit themselves for their task to foster an *esprit de corps* and to found in India those traditions of high efficiency and courage which the pages of history commemorated as the proud possession of the Navy of Great Britain. Much constructive work remained to be done before there was a Royal Indian Navy in being. But from the preliminary estimates it appeared that the creation of the Indian Navy in its initial stages was not expected to involve any large addition to public expenditure.

His Excellency announced that he had offered the presidency of the Rates Advisory Committee to Sir Narasimha Sarma who had agreed to serve in that capacity and His Excellency was confident that this appoint-

ment would be welcomed both by the Chamber and by the public generally.

His Excellency felt sure that he could rely on the members of the present Council of State for the same measure of support and help that he had received from the members of the late Council, not only for the work they had performed in the Chamber itself but for the eminent services individual members of the Chamber had rendered on important Committees and Commissions.

His Excellency remarked that when he had last addressed the Chamber he had expressed his gratification that his observations to the Indian Legislature at the opening of the previous Session had been correctly understood in the Council of State and that his desire to see a spirit of more friendly co-operation and good-will had been appreciated. By the evidence of a spirit of this character an earlier appointment of the statutory Commission might have been secured and a better political atmosphere would have come into existence and prevailed at the time the Commission commenced its inquiry. His Excellency commended these considerations to the notice of the reconstituted Council of State. "Without the existence of conditions in which forms of responsible institutions can develop harmoniously" said His Excellency "the results of an inquiry by a Statutory Commission may fall short of expectations." His Excellency referred to the intentions of Parliament as expressed in the Preamble of the Government of India Act where it had been made clear that proof of genuine good-will in the direction of working the constitution to the best advantage would be regarded by the British Parliament as an important factor for their guidance in determining the course to be pursued in the immediate future. If this view was correct His Excellency could only express his regret that the Legislature had not availed itself definitely of the opportunity which had been afforded to it and that the spirit manifested in the offer by His Majesty's Government had not met with a more ready and complete response. "Once more let me solemnly assert my profound conviction" concluded His Excellency "that it is along this avenue that the aims and aspirations of India may the more quickly be attained, and that true prospects of peaceful progress may the more surely be found. I still cherish the hope that India will not tarry in pursuing it."

Questions and Answers

Leaving aside questions of which private notice was given—and there were not many of these—1,417 starred and 258 unstarred questions were put and answered in the Legislative Assembly and 210 in the Council of State. In important cases starred questions were followed by supplementaries. There was no falling off in the interest the Legislature has taken in various subjects. But it was noticeable that the hour devoted to questions in the Assembly was not always so taken up. Indeed there were days when there was not a single question on the agenda paper and there were occasions when only a few minutes sufficed to dispose of the day's interpellations. As compared with the first few Sessions of the First Assembly the fall in the motions for adjournment has been noticed in previous numbers of this publication. The tendency not to employ this method too frequently was fully evident during the last Session when on only one occasion was the

Assembly asked to discuss a definite matter of urgent public importance, namely, the serious situation in Mandalay jail caused by the political prisoners from Bengal having gone on hunger strike. On Mr Goswami asking for permission to move the adjournment of the House, Sir Alexander Muddiman formally opposed the motion because within the short time Government had had notice of the matter they had not been able to get full information as to the actual facts regarding the hunger strike. The President did not accept the ground taken up by the Home Member and held that the matter proposed to be discussed was in order. Objection having, however, been taken, the President asked Members who were in favour of leave being given to rise in their seats. More than 25 members rose and leave was granted. Mr Goswami maintained that State prisoners had suffered great hardships and inhuman treatment. Questions had been put, but information regarding specific cases of ill-treatment had not been supplied and the answers had been evasive. Resort to hunger strike was a very serious course endangering the lives of the detenus, and the hunger strike in the present instance was the cumulative result of continued ill-treatment. Mr Goswami referred to the extracts published in the "Forward" from the Indian Jail Committee's report giving Lieutenant-Colonel Mulvany's evidence which materially substantiated his proposition. Colonel Mulvany's feelings had been outraged by the cruelty of the treatment he was ordered to inflict on political prisoners. A Government which had concealed this report and had taken no steps for the amelioration of the condition of political prisoners was condemned. The Home Member regretted that Mr Goswami had not had time to develop his point regarding the hunger strike. Colonel Mulvany had made his statement in 1915 in England but the Jail Committee which had tested his evidence had not agreed with him in his allegations and in any case there had been considerable improvements since 1915. The Home Member had made inquiries from Burma but the report he had had was incomplete. Long before the matter was brought to his notice he had had a petition from a prisoner and had asked for a report. The prisoner had said nothing about ill-treatment and the only question he had raised was about extra financial assistance and Government could not provide such assistance on an extraordinary scale. The Government of India had made rules, which applied to all Local Governments, with the object of securing for State prisoners reasonable exercise, games and books. To confine a man was a serious matter, but the Home Member denied that the conditions were inhuman. There was no suggestion as to why hunger strike was being resorted to. Neither side of the House had been able to develop its case and the matter should not have been raised on a motion for adjournment. Mr Amar Nath Dutt and Lala Duni Chand supported the motion. Mr Bipin Chandra Pal associated himself with the motion because of the strong feeling in Bengal and other provinces. The treatment of political prisoners had improved but when they read Colonel Mulvany's evidence they must agree that all was not right in the jails. Lala Lajpat Rai said that people did not resort to hunger strike except in extreme cases and remarked that the treatment differed with jails and with individuals. Sir Charles Innes said that the Government were in exactly the same condition as the members on the opposite side because they had not had information. They knew nothing of the causes of the hunger strike.

There had been disputes between the detenus and the Burma Government and the obvious course was to wait till they had ascertained further facts. Since 1907 Government had made real improvements in the treatment of State prisoners and the only reason Government knew on the present occasion was a dispute about money. When the other side had no specific evidence and Government had not got the facts, there was no justification for a vote of censure on Government. Hunger strike, Sir Charles observed, was a common device adopted by political prisoners. Mr Goswami declared his inability to know definitely what was happening inside the prison walls, but he remarked that the petition dated the 16th January did contain a list of grievances. Colonel Mulvany's evidence had been discussed by the Jail Committee and it could not be said that it was untrue. Regulation III merely required that State prisoners should be safely under restraint. But in Bengal both the Regulation and the Ordinance had been used as vindictive measures. The Home Member remarked that not a single member had said that any brutality had been shown. Charges had been made that the prisoners were denied "mental pabulum," but the detenus could choose from a large list of magazines, which included the "Bengalee." So far as Government were aware the hunger strike was due to the dispute as to certain allowances. That was the point raised in a petition which was pending before the Home Member and on which he had asked for further information. The main proposition behind the motion was that prisoners were being treated with inhumanity and the Home Member denied it with all the force at his command. It was impossible for any Government to be sure that all subordinates were behaving properly. But on the broad issues nothing had been established against Government and the House ought to support them in the matter. The motion was, however, carried, by 57 votes against 40. To complete the incident it might be mentioned that on the 1st of March the Home Member made a statement in the Assembly in the course of which he mentioned the grounds assigned by the prisoners for the strike. No allegations of ill-treatment whatever had been made and the representations related solely to allowances for the celebration of religious festivals. The prisoners had been treated throughout with great consideration by the Jail Authorities and periodical reports showed that their health was good and their comforts were looked after.

Resolutions

Constitutional questions have every Session engaged a good deal of attention. It was not therefore surprising that the question of the

Royal Commission to enquire into the Indian Constitution to appointment of a Royal Commission to enquire into the working of the Indian Constitution which had been raised both in the Assembly and in the Council of State during the Simla Session and was again raised in the Assembly in March 1926 should also have been brought up before the newly constituted Council of State. On the 18th February 1926 Mr Phiroze Sethna moved the following resolution —

'This Council recommends to the Governor General in Council to urge upon His Majesty's Government the appointment forthwith of a Royal Commission to investigate and enquire into the working of the present Indian Constitution and to formulate a scheme for the establishment of responsible government in India.'

After giving the history of the constitutional issue during the last five years the decisions the "Indian Parliament" had on several occa-

sions recorded, and the considered views of different sections of Indian opinion as expressed in their conferences within the preceding few weeks, the mover urged that the time had come when the existing constitution of the country should be examined and revised. He contended that the working of the constitution during the last five years and the examination of the constitution by the Reforms Inquiry Committee had established that the constitution had not succeeded in achieving the object with which it had been established. It had failed to give that measure of training in responsibility which was its avowed object and without which no real and continuous progress in the attainment of full responsibility was possible. The demand for further constitutional advance was strong, insistent and almost unanimous and it was made not only by politicians but also by those who had worked as Ministers or as Members of the Executive Council. Mr Sethna enquired if Government would be justified in ignoring such a demand. Assuming that in the considered opinion of Government on the merits of the case the immediate revision of the constitution would not be justified, they had two different and conflicting opinions and no better agency than a Royal Commission could be asked to decide the great issues which were involved. Lord Birkenhead had appealed for co-operation, good will and friendship. To Mr Sethna's mind that appeal was rather vague but he felt that so far as the working of the constitution was concerned the spirit of good-will, friendship and co-operation shown by all the Legislatures during the first three years had been acknowledged by all including the Government. During the last two years the same spirit had manifested itself in all the Provincial Councils except in Bengal and the Central Provinces, but even there the situation had shown decided improvement. The attitude of the Swarajists had also undergone a change for the better and the Bombay Swarajists had declared themselves emphatically in favour of responsive co-operation. A close and sympathetic analysis of the situation satisfied Mr Sethna that it essentially and substantially met the conditions put forward by Lord Birkenhead and the Viceroy. Mr Sethna enquired if Government wanted that the Swaraj Party should dissolve itself and if on its failure to do so Government were going to make the whole country suffer for the sins, if any, of a single political party. In every country there was a party of extremists and India was no exception. Mr Sethna had no hesitation in saying that if the appointment of a Royal Commission was announced the ground would be cut from under the feet of extremism and the forces of co-operation, good-will and friendship would not only be rallied but also strengthened in numbers as well as in influence. He appealed to the Swarajists not to throw out the budget and to give every proof of their friendship and good-will. Mr Sethna maintained that the heart of India was sound and in support of his view he quoted from recent utterances and writings in England. Having exhorted the Swarajist leaders to stoop to conquer, Mr Sethna concluded "May I not in the same way say that England, mighty as she is, should if need be even stoop to win the heart of India?" Seth Govind Das moved the following amendment —

"This Council recommends to the Governor General in Council to move His Majesty's Government to make a declaration in the Parliament announcing its decision to take immediate steps to embody in the constitutional and administrative machinery of India the fundamental changes asked for in the Resolutions passed by the Legislative Assembly on 18th February 1924 and 8th September, 1925, and to obtain the decision of His Majesty's Government thereon."

Mr P C Desika Chari desired to amend Seth Govind Das's amendment in the following terms —

“That for the words ‘to make a declaration in the Parliament announcing its decision to take immediate steps to embody in the constitutional and administrative machinery of India the fundamental changes asked for’ the following words be substituted namely ‘to appoint forthwith a Royal Commission or other suitable agency to formulate a scheme for the establishment of responsible government in India in accordance with the recommendations contained’ ”

Mr Ramadas Pantulu repudiated the charges of inconsistency and impracticability in the attitude of the Swaraj Party towards constitutional reform and said that they had entered the Councils in order to demonstrate the utterly unworkable and sham character of the reforms. The Swarajists refused to work dyarchy but if the co-operation demanded of them meant a change of heart and of their attitude towards Government Mr Ramadas Pantulu claimed that they had given ample evidence of their co-operation in the past and were willing to pursue such a policy in the future provided there was a genuine change of heart on the part of the Government. As for civil disobedience it was true that as an ultimate resort the Congress had pronounced that that was the only legitimate weapon, but what other advice could it have given to a disarmed nation in order to win liberty? Sir Alexander Muddiman opposed both the amendments. He said that civil disobedience would not remain civil, it would become very uncivil in a very short time and those who used those words would do well to weigh the consequences. The Government of India had very carefully considered the question whether they were going to make any such recommendation as was required in the amendments. What the amendments asked for was a Commission to be sent out with a mandate and merely to formulate the machinery by which that mandate was to be given effect to. Dr U Rama Rao and Sayed Mohamed Padshah Sahib Bahadur supported the amendment. Mr Desika Chari's amendment was lost without a division and Seth Govind Das's by 37 votes against 8. Speaking on the main resolution, Sir Alexander Muddiman congratulated Mr Sethna on the able and moderate way in which he had put his arguments. It appeared to the Home Member that what Mr Sethna apparently contemplated was not the advancement of the date of the statutory Commission provided under section 84A of the Government of India Act but a Commission which would anticipate the decision on the main point which would be in issue. Section 84A contemplated an enquiry by a tribunal which would come out, investigate matters, form its own conclusion and make its own recommendations, whereas Mr Sethna contemplated that they should arrive at the last milestone at once and formulate the procedure which was to be followed after they got there. That was not what the Government of India Act contemplated. Dealing with the question of the advancement of the date of the Commission the Home Member reminded the House of the attitude of the Government which could not be better stated than in the words of the Secretary of State. Sir Alexander was not prepared to say that there had not been some change in the attitude in certain circles towards reforms, the general attitude in the country had improved, in certain places Bills which might have been rejected had been considered on their merits and passed but in two important provinces in India the reforms were not working. The Government had been watching what was going on, they had considered whether since the debate took place last September there had been anything which

would justify them in modifying the provisional conclusion they had then laid before the Legislature. They had been unable to come to any other conclusion and they adhered to the position they had then adopted. "I hope the atmosphere will improve," said Sir Alexander, "and when the atmosphere does improve then the condition that is laid down will be on the road to fulfilment and India may be nearer to that which she so much desires. But it is not by referring to existing institutions as camouflage, it is not by arguments of that kind that reasonable men are convinced." The peoples of India were beginning to recognise that only by facing realities they would solve those problems which called for solution and not by putting away in a corner the vital questions which must be decided before an advance could be made. "We have done and are still prepared to do what we said we will do," concluded the Home Member, "but it is useless to come and put forward a Resolution which in effect is entirely contrary to anything that has ever been put forward as the possible result of a Royal Commission. You will prejudice the issue if you ask us to accept a Resolution of this kind and it is quite impossible for me on behalf of Government to do so, and I trust the House will take the same view." Rai Bahadur Lala Ram Saran Das supported the resolution. The Maharajahdhiraja Bahadur of Burdwan did not deny that the present reforms did not satisfy political India, but he enquired if the remedy lay in simply appointing a commission of enquiry. The British Parliament had to make up its mind definitely as to what was to be the future Government in India, vested interests which had hitherto believed in British rule had to be considered, and future advance was neither easy nor could it be light-heartedly asked for. Before very long, the Maharajahdhiraja thought, the Government of India would have seriously to consider whether oligarchy would ever be a success in India, whether or not the bureaucracy must continue. Mr Khaparde and Saiyid Alay Nabi supported the resolution. Sir Dinshaw Wacha in opposing the resolution felt that they were going too fast. It had always happened on the introduction of a new constitution that while a vast majority wisely accepted it a minority, more or less uniformly disaffected, did not accept it. Violent wrangles had been conspicuous instead of a steady working of the reforms with a view to further progress. There had been obstruction of a blind character which was still going on and it was a pity that in the midst of such a deplorable impasse the House was being asked that the Royal Commission which would under the Act come out in 1931 ought to be immediately appointed or considerably accelerated. Replying to the debate Mr Sethna said that he had tried to show that the conditions laid down by the Viceroy had been fulfilled and the appointment of the Royal Commission should be accelerated. No matter what action the Swarajists might take, whether the Royal Commission was appointed in 1929 or 1926, to Mr Sethna's mind it was impossible that the hands of the clock would be set back. Mr Sethna regretted that Government did not give full credit for the services those who had worked the reforms had rendered. Sir Alexander Muddiman acknowledged the greatness of the services of that part of the Indian community, which had in spite of great discouragement and obloquy endeavoured to work the reforms and observed that it was on those lines that India would advance. The Home Member agreed that India was sound at heart but India was largely inarticulate and it was only by the efforts of persons like Mr Sethna who believed in constitutional advance on the lines laid

down by Parliament that an informed public opinion would be created in India. There was no legal bar to the appointment of the Commission but the method of acceleration lay in co-operation as a continued and steady course of conduct. Sir Alexander trusted that all parties might soon have one view and that they would work the existing constitution for all it was worth, when that came about the resolution could be moved in a happier time. The resolution was put to the vote and negatived without a division.

Another resolution of constitutional importance was moved in the Assembly on the 16th February by Maulvi Sayad Murtuza Sahib Bahadur and the discussion was not concluded till the third day. A large number of members joined in the debate but the Swarajists refrained from taking any part on the 16th February and when discussion was resumed on the second day, the 16th March, they had already withdrawn from the Assembly —

“This Assembly recommends to the Governor General in Council that he be pleased to extend to the North-West Frontier Province the provisions of the Government of India Act which relate to Legislative Councils and the appointment of Ministers, etc., with protection to the minorities.”

The mover said that resolutions similar to his had been repeatedly passed by the all-India Moslem League and leading Mussalmans of the North-West Frontier Province had pressed him to bring it up, because they were being denied the elementary rights of citizenship. He urged that the resolution was limited only to the settled districts and he had brought it up in order to test the sincerity of Government. The services of the inhabitants of the province had been acknowledged and if Government now played with their aspirations there would be a disaster. Muhammadans numbered 91 to 92 per cent of the population and Hindus and Sikhs together made up 8 per cent. It was unfortunate that the Hindu-Muhammadan question should have sprung up, because in Madras where Hindus were 92 per cent, and Muhammadans 8 no such question had ever arisen. The mover appealed to the House not to introduce any heat in the debate. The people of the North-West Frontier Province were true sons of India, whose loyalty had been tested and it would be a disgrace if their appeal was not listened to. Mr Ahmad Ali Khan supported the resolution and observed that so long as the minority was adequately represented there was no reason to oppose the extension of the reforms to the North-West Frontier Province. Mr Sadiq Hasan moved the following amendment —

“That for the words ‘extend in the North-West Frontier Province the provisions of the Government of India Act which relate to Legislative Councils and the appointment of ministers’ the following be substituted

‘introduce in the North-West Frontier Province an unitary and autonomous responsible Government with full protection for minorities, subject to the general control and residuary powers of the Central Government in inter-provincial and all-India matters’.”

The reason for his amendment, he said, was that the Swarajists were opposed to dyarchy. He himself was opposed to amalgamation with the Punjab which, he thought, would be as serious as the partition of Bengal. Sir Abdul Qayyum in supporting the resolution said that the question was one of life and death to his province. He did not himself believe in the reforms, but that was the only way along which the future progress of

India had been chalked out. If the Royal Commission came his province would be placed in a very bad position and they had already suffered heavily through the loss of canal lands. Sir Abdul Qayyum enquired if they were not all Indians and if all the laws in India did not apply to them. If they did, there was no reason why the Government of India Act should not be extended to them. Dr L. K. Hyder said that formerly the international issue had outweighed the local issue, but in 1926 the local issue outweighed the international issue. Colonel Crawford recognised the existence of dangers on the Frontier but thought that the North-West Frontier Province was not less suited than British India for the reforms. Unless caste differences were removed Captain Hira Singh could not look for the reforms asked for. Dr Lohokare pleaded that the peculiar circumstances of the province rendered amalgamation with the Punjab as the better course and he moved an amendment to this effect. Sir Denis Bray said that his own views had been fully expressed in the Majority Report of the North-West Frontier Province Enquiry Committee. Since that report was written there had been happenings which might lead him to make some alterations but the outline would remain. The dominant note of that report was that the North-West Frontier Province was an all-India concern and had to be treated imperially. The Foreign Secretary emphasised the difficulties of the problem, commented on the presence of communal flames on the Frontier and said that Government's deliberate decision not to hurry over the question had been amply justified. The vote, on absolutely communal lines, of the Punjab Council on the proposed amalgamation of the province with the Punjab had given another warning. The cry for amalgamation was dead, whatever else provincial autonomy might mean, it could not mean forcing a province, which wished to lead its own life, on to another province which did not want it. The Government had announced their decision to abandon judicial amalgamation and this had not aroused a dissentient voice. Government hoped soon to announce the appointment of a member of the Frontier Bar as Additional Judicial Commissioner. The question of reforms was the only part of the Majority report that remained. But it was a question bristling with difficulties. It was impossible to treat Mr Sadiq Hasan's amendment as serious. Unless a unitary autonomous province was created in the Punjab they could not consider it in relation to the North-West Frontier Province. Even the more modest proposal made in the Majority Report was impossible without an amendment of the Government of India Act. There were further difficulties financial and constitutional. By the next budget Government hoped to have a new Major Head of Border Watch and Ward which, by absorbing as far as possible the expenditure debited to Imperial needs, would present the true state of the purely provincial budget in a truer light. One difficulty still remained to be mentioned and that was the communal question. Government had been awaiting the debate with great interest and attention and with equal interest and attention they would follow it and its actions and reactions in the press, in the Frontier and in India at large. Maulvi Muhammad Yakub and Mr Bipin Chandra Pal supported the resolution. Though the latter recognised that the position was full of difficulty that the difficulties of the Hindu minority were not imaginary, Home Rule was the birth-right of all people and all provinces. Pandit Madan Mohan Malaviya opposed the resolution. On the general question he was agreed that every province should

have Home Rule, but in considering the case of the North-West Frontier Province they had to consider the state of feeling between the communities and its relation to the question of advance. The progressive tendencies of the administration had not been in operation for 25 years and the Pandit gave a long list of events—headed by a riot in Peshawar—in which Hindus had been looted and had suffered at the hands of Muhammadans. That being the position it was for Government to consider what should be done and Mr Malaviya considered the resolution as premature. The debate was at this stage adjourned and when it was resumed on the 28th March Raja Gazanfar Ali Khan regretted that Pandit Madan Mohan Malaviya should have exaggerated the incidents of 20 years ago and he appealed to Government to make the Frontier people strong, for the strength of the country would thereby be increased. Maulvi Ghulam Bari supported the resolution. Mr Abdul Haye remarked that communal feeling existed everywhere and to refuse reforms to the North-West Frontier Province would amount to an admission of despair regarding the demand for Swaraj. Sir Darcy Landsay supported the resolution principally on the ground that that part of the country appreciated the reforms and the benefits they had brought. The people there had character, loyalty and bravery and these afforded further arguments in support of the resolution. Sir Sivaswamy Aiyer characterised Sir Denys Bray's speech as a pompous piece of nullity which might invite agitation. He contended that before the appointment of the Inquiry Committee there was no demand for full-fledged reforms and he referred to the methods which, he said, had been employed to educate, if not, to manufacture opinion in support of the views held by responsible authorities. Sir Sivaswamy gave a series of quotations to show that the people of the North-West Frontier Province were excitable and fanatical and he argued that virility and independence were not the only qualifications for self-government in a province which had had no experience of the elective system. The recommendations of the Majority were not consistent with the fundamental canons of Frontier administration and the financial position of the province also militated against the grant of reforms. Concluding Sir Sivaswamy warned the Government of the dangers it would run and added that to give full-fledged reforms would be a monument of political unwisdom. Mr Jinnah disclaimed any intention of dealing with the question from a communal point of view and enquired if the members were going to budge from their determination to win the freedom of India. Conditions were much worse in Canada than they were in India when Lord Durham had recommended the grant of self-government, and they would surely solve the problem in India if they worked together. Mr Jinnah could not understand how such different people could, against their will, be amalgamated with the Punjab and urged that they should not have one principle for the rest of India and another for the North-West Frontier Province. He argued that the financial situation was no obstacle and asked Government to disclose their intentions, because their refusal to do so might be misunderstood. Individual passions were bound to be roused and individual temperaments were bound to assert themselves, but that must not be the final test for deciding the fate of the resolution. The debate had again to be adjourned and was concluded the next day. The Home Member deplored the absence of the Swarajists and their refusal on the first day the subject was debated to take part in the discussion. From the speeches

which had been made the deduction the Home Member drew was that the subject was one in which the Hindus of Northern India, except for one, had no interest. But the Hindus and Brahmins of Southern India took a great deal of interest. The general trend of feeling ran on communal lines and called for the exercise of great caution on the part of the Government in any action they took. No one could have made a more powerful appeal than Sir Abdul Qayyum, but he was not on sound ground when he advocated the application to his province in full form of the terms of the resolution. What was it in this resolution that had stirred men like Sir Sivaswamy Aiyer? There were reasons which had made Government cautious in arriving at final conclusions and those who accused the Government of delay ought to remember that it was the Government that had to pick up the pieces after the glass was broken. Government had definitely turned down the question of the amalgamation of the North-West Frontier Province with the Punjab and the Home Member asked the House not to miss the very definite implications of this position. The Frontier Province was to remain a separate province and therefore it must move in due time and in its own way, subject to its own conditions, to its status as a complete province. "The question what and in what direction constitutional advance can be given in the North-West Frontier Province has been and is under the consideration of the Government," said the Home Member but no definite decision had been arrived at and no announcement was possible until Government felt that they had come to the right conclusion and that the right moment for its announcement had arrived. The Home Member announced that the front Government Bench would remain neutral and other Government members were free to vote as they liked. But he asked everyone of them to realise what he was voting for before he actually voted. The Home Member quoted Sir Abdul Qayyum against Mr Jinnah's attack on the Frontier administration and paid a tribute to the officers, British and Indian, Civil and Military, who had spent their lives in defending the marches of which they had been most faithful wardens. Mr Rangachariar referred to the political, economic and constitutional importance of the question to the province and to India. He still adhered to the opinion he had expressed as a member of the Inquiry Committee and considered the advance demanded in the resolution politically unwise, constitutionally impossible, financially disastrous and administratively fruitless. Mr Rangachariar dealt with the general state of lawlessness prevailing in the country and observed that but for the firm stand the Amir had taken the affairs in the province during the war would never have been matters for congratulation. Was it fair to give self-government to such a province and was it in the interests of all India? Financially the Frontier Province depended on all India for its daily existence, their deficit had been continually increasing, and when they asked for a major Local Government for which all India would have to pay the latter must have a voice in the administration. Was this popular Assembly going to lose its control over the expenditure? Mr. Muhammad Ebrahim Makan in a speech in Urdu supported the resolution. To him it appeared that if Mr Malaviya could not bear Muslim Raj in the North-West Frontier Province, there was no reason why Mr Jinnah should tolerate Hindu Raj in Bombay. Colonel Gidney also supported the resolution. He contended that the Swarajists were in favour of it and the opposition to the resolution came from those who

Madras The people of the North-West Frontier Province were homogeneous in a sense in which no people in any province of India were homogeneous, there was no untouchability, and Sir Denys saw no reason why affinity between the inhabitants of the North-West Frontier Province and those living in the tracts and the subjects of the Amir should be an argument for outcasting them from the reforms. The resolution was put to the vote and carried without a division.

Yet another resolution of constitutional importance was moved by Sir Sankaran Nair on the 15th March 1926. It ran as follows —

“ This Council recommends to the Governor General in Council to advise His Majesty's Government to take such steps as may be required to constitute the following districts inhabited by the Tamil speaking race, that is to say, Chingleput, North Arcot, Salem, Coimbatore, South Arcot, Tanjore, Trichinopoly, Madurai, Ramanad and Tinnevely, into a Province with complete self-government ”

Sir Sankaran said that he had followed the self-governing Dominions of the British Empire in framing a constitution for the Tamil speaking province and he had kept in view the perpetuation of their connection with Great Britain and Ireland. He described that under his scheme the Government would consist of a Governor appointed by the King, a Senate and a House of Commons, and with regard to the electorate his conclusion was that suffrage without any restriction as to property or education or office or position should be given. After giving the details of his scheme in which he dealt with the composition of the Services Sir Sankaran said that he had not made any proposals about the Government of India because such proposals should be made by the Parliaments of the self-governing Dominions of India in consultation with one another. Since the War all over the world there had been a movement for freedom and in India the demand had acquired an intensity for reasons of its own. Not only the Hindus but also the Muhammadans, as evidenced by the resolutions passed by various political bodies, were demanding Home Rule. Several warnings had been given and it was the aim of the class to which Sir Sankaran belonged to establish a British Commonwealth of Nations in which each nation or race might develop its own civilisation and give its best to the Empire. For this purpose partnership and equality must take the place of subordination, and if India was allowed, in her present temper, to get out of hand without being properly directed it might mean the ruin of the Empire. Mr Crerar speaking on behalf of Government observed that the resolution raised two distinct and important issues, though the way it had been argued raised a whole multitude and multiplicity of issues each one of which was of extreme magnitude and complexity. The two main issues however, were the constitution of a province on a linguistic basis and the granting to the province so constituted of complete self-government. With regard to the first the policy of Government was certainly one of respect and even of benevolence, but they would insist as precedent conditions to any consideration of such a proposition upon the strongest indications of a very large measure of public opinion behind the proposal, the expression of that opinion in the first instance being through the local Legislative Council. Mr Crerar agreed with the mover that it would be wrong to presume that political progress in India must necessarily pursue identical and simultaneous lines throughout the whole continent, indeed the Government of India Act and the report of the Joint Parliamentary

Committee had expressly recognised that fact Mr Crerar did not desire to put any obstacles in the way of such proposals being carefully considered, he felt that in proportion as the issues involved in them were momentous, complex and difficult, clearly an enquiry ought to be carried out deliberately, thoroughly and exhaustively But what the mover was advising the House to do was to come to conclusions on propositions before they had been made the subject of due enquiry On the question of the immediate grant of provincial autonomy in its most extreme form, demanded in the resolution, the Secretary in the Home Department urged that constitutional and political decisions of this kind were matters which must inevitably come within the scope of the Royal Commission and he thought that if the Council attempted to answer in a summary manner the numerous important propositions which Sir Sankaran Nair had laid before them it would be pre-judging the enquiry which must necessarily fall within the scope of the Commission Mr Crerar strongly repudiated Sir Sankaran Nair's allegation that the Government as at present constituted in India and its predecessors had failed to secure economic, social and moral progress in India To Mr Crerar's mind any one who read the history of the social, economic and moral progress in India during the last 100 years was bound to admit that infinitely more progress had been made during those 100 years than perhaps in any 500 years that had preceded Mr Crerar opposed the resolution not because the Government were opposed to an enquiry but because an enquiry had not so far been held He urged that the House had not before it the data on which it would be legitimate, wise or even defensible for it to arrive at any final and determinate conclusions Mr Khaparde confessed that he did not understand the scheme put forward by the mover but he supported the resolution because he felt that the Tamil province had behaved well, had never adopted non-co-operation and had taken advantage of all the facilities given to it Mr P C Desika Chari supported the resolution because he believed in the immediate extension of the constitutional form of Government throughout India Opposition to the resolution came from Mr Ratansi Morarji because in his opinion autonomy in any sense of the term was impossible within the existing constitution, from Colonel Nawab Sir Umar Hayat Khan who felt that it would be a bad day for India when a number of small States all over the country came together with their armies to fight against a common foe, and from Mr K C Roy who fought shy, after the partition of Bengal, of the partition of the Madras Presidency, because of financial difficulties and because in his opinion it was not possible to redistribute India on a linguistic basis To the Raja of Bobbili the resolution was somewhat of a bewildering character and he doubted if having regard to the illiterate and ignorant condition of the great bulk of the people it would be wise at the present stage to grant complete self-government In replying to the debate Sir Sankaran Nair defended his proposal for universal suffrage and claimed that his proposal was not intended to preclude an enquiry Winding up the debate Mr Crerar maintained that the resolution, as worded, did not invite the House to embark upon an enquiry but to commit itself to taking steps to carry the proposition into effect Mr Crerar denied that he had expressed himself as opposed to an extension of the suffrage to all or any classes of the people who had reached a safe stage of political development, but he was of opinion that the House would do well to enquire whether such an electorate as

Sir Sankaran Nair adumbrated was sufficiently well-organised and sufficiently able of taking advantage of the vote. The mover was really proposing to give the crude elements of political power into the hands of what he himself admitted was a body not yet fully politically developed and the House would do well to reflect upon the dangers of such a course. There was the greatest difference in the world between promoting enquiry and precipitating decision and the latter opened up a danger into which with all its responsibility for the examination, the formulation and the execution of policy the Government could not and would not permit itself to fall. The resolution was negatived without a division.

As the preceding resolution has shown, those interested in the future constitution of India did not confine themselves to demands merely for further constitutional advance. Some of them visualised to themselves a federal constitution and they naturally took an interest in the re-distribution of provinces in India. The demand for the constitution of one province on a linguistic basis was included in Sir Sankaran Nair's resolution. Another such demand was made by Dr U. Rama Rao on the 17th February 1926 when he moved that —

“ This Council recommends to the Governor General in Council that a Committee of officials and non-officials be forthwith appointed to inquire into, and suggest ways and means for, the formation of a separate Kannada Province ”

The mover regarded the existing territorial distribution in India as the result partly of administrative expediency and partly of historical accident, and relied in support of his motion on the Montagu-Chelmsford report which had taken the view that in order that provincial administrations might be efficient and effective the provinces should be re-distributed in such a manner as to render it possible even for non-English knowing people to take an active part in the administration of their respective provinces by the adoption of the vernacular as the language in the Councils. In the provinces as at present constituted there was no scope for fostering local patriotism nor were their voices patiently heard or their grievances adequately redressed. Dr Rama Rao claimed that in the case of Karnataka the three principles laid down by Lord Hardinge for any scheme of re-distribution of provinces on a linguistic basis were fully satisfied. Mr Ramadas Pantulu moved the following amendment —

“ This Council recommends to the Governor General in Council that, with a view to regrouping of Provinces, as far as possible on a linguistic basis, a Committee with a non-official majority be appointed to inquire into, and suggest ways and means for, constituting the Kanarese-speaking tracts of the provinces of Madras and Bombay into a separate Kannada Province ”

Mr J. E. B. Hotson enquired if a linguistic division of all India would not introduce a new division instead of strengthening or increasing its unity. If India was broken up into a large number of small provinces the power of each local Legislature would be less than what it was, the power of the Central Legislature would be enhanced and could it be said at once that this was altogether a step in the right direction? Would those who were demanding provincial autonomy sooner make it more real by reducing the powers that the provincial Legislatures already possessed? On the question as to whether there was any strong popular demand for this change Mr Hotson said that the matter had once been

brought up before the Bombay Legislative Council but it was disallowed because of the form in which it had been framed. Had there been any great demand it would have been very easy for the people who desired to press the question to have framed the resolution in a different way and to have brought it up again.

Mr Crerar in opposing the resolution emphasised the two grounds mentioned in his opposition to Sir Sankaran Nair's resolution, namely, the conditions on which the Government of India would insist before they could take into consideration any proposal for the constitution of administrative units on the basis of linguistic areas. The Joint Parliamentary Report had laid stress upon those two points. Though Mr Crerar did not deny that a linguistic basis might be a very important factor in the constitution of an autonomous provincial area, he felt that after all the linguistic factor was by no means the only one. The historical, geographical, political, economic and social factors in the modern world were factors almost as powerful as, if not in some instances even more powerful than, those of language alone. Speaking generally the objection which weighed very strongly with Mr Crerar was that they were invited to take official action in the matter which according to every consideration of prudence and statesmanship should have been left to popular initiative. He felt that any action they might take in that direction would be received with a very great deal of suspicion in many quarters. "Might it not be said that the Central Government had its own interests in having smaller, poorer and therefore weaker provinces under its control?" Both the amendment and the resolution were negatived without a division.

Mention might be made here of a resolution which, though it had no direct bearing on the constitution, concerned the honours, emoluments and allowances of the Members of the Council of State. On the 15th February Dr N U Rama Rao moved the following resolution —

Travelling and daily allowance of Members of the Council of State

"That this Council recommends to the Governor General in Council to amend the rules relating to the travelling and daily allowances admissible to Members of this Council in such manner as

- (a) to reduce the period preceding the commencement and following the termination of a Session for which daily allowance may be drawn from seven to three days, and
- (b) to deprive non-official Members of the Council of State of their existing option of reserving a first class railway compartment for their personal use and drawing the actual cost of reserving the compartment in lieu of travelling allowance of 1-3/5ths of a first class fare."

To this Mr Ramadas Pantulu moved the following amendment —

"That this Council recommends to the Governor General in Council that the Members of this Council be placed on the same footing as the Members of the Legislative Assembly in the matter of honours, emoluments and allowances."

Speaking on behalf of the Government Mr S R Das observed that while he was prepared to welcome the original resolution if the non-official members thought it fit to pass it, he must oppose the amendment, because it sought to deal with the question of honours, which was a prerogative of the Crown and had in this country been delegated to His Excellency the Viceroy and not to the Governor General in Council. The Law Member

asked the House to consider whether there should not in fact be a distinction between the two Chambers, because practically all the Revising Chambers in the Dominions, with the exception of Australia and one or two other places, had the dignity of 'the Honourable' conferred on their members. Mr K C Roy did not consider that an open House was the proper place for a discussion of privileges and he felt that the time had come when the whole question should be considered on a broader outlook than the parochial needs of the Council of State. He moved that the discussion be adjourned *sine die* and his motion was adopted without a division.

Constitutional resolutions, as has been noticed, engaged a good deal of the attention of the Council of State. Except for one no such resolution was moved in the Assembly, though constitutional issues were raised and discussed in connection with the budget. On the 8th March Pandit Motilal Nehru made a statement in the course of which he repeated that his party had told the Government that it refused to be a consenting party to the administration which had been forced upon the country against its will. They had conveyed a message to the people of the United Kingdom that unless that system was changed according to the wishes of the people of India, there would be no contentment in the country. That message had gone unheeded and the latest utterances of high and responsible members of Government had shown to Mr Nehru the utter futility of any further action that could be taken in the Assembly. The Swarajists had therefore come that day under a definite mandate to deliver to the Government the message of the Indian National Congress —

"This meeting, having taken into consideration the pronouncements made in the Council of State and the Legislative Assembly by the Governor General and the Home Member and referred to in the Report of the Special Committee, is of opinion that the insistence of the Secretary of State and the Government of India on full co-operation by the representatives of the people under existing conditions clearly demonstrates the intention of the Government to coerce the nation into abject submission without making any advance on the present vicious system of Government. The Committee therefore has no option but to adopt the recommendations of the Special Committee and to call upon the Swarajist Members of the various Legislatures to follow the course laid down in the Resolution (herein quoted) of the Indian National Congress passed at Cawnpore

"This Committee hereby calls upon the Swaraj Party in the Assembly to leave their seats after raising the constitutional issue once again on the first motion on the 8th March. This Committee hereby calls upon the Swarajist Members of all the Legislatures to conform to the other directions contained in the said Resolution of the Congress and to engage themselves in carrying out the programme hereinafter laid down."

After having subjected generations of the people to a long continued process of emasculation, Mr Nehru said, Government took cruel delight in reminding them that they were helpless and could not enforce their rights like free men. "But however much we may be enfeebled in body," said Mr Nehru "our soul, tormented as it is, has never been and will never be killed." The Swarajists had offered their co-operation, but Government had contemptuously rejected it, the humiliation involved was of his own seeking, he had sought it and got it. A measure of co-operation, however small, had been admittedly given everywhere by the Swarajists to the Government, but what the Government had done to deserve it was that they had repeatedly flouted the opinions of the House. Mr. Nehru denied that they had ever tried to accelerate

they mean that unless a certain section of politicians, committed to a particular action, ate their words, they would not believe that there was co-operation? Was there a single political association that was not pressing for the appointment of a Royal Commission? Where these opinions to be treated with contempt? If the reforms were not working properly in Bengal, it was because the situation there had not been properly handled and in any case Bengal and the Central Provinces were not the last words on the subject. In the Assembly even the non-co-operators had, for all practical purposes, offered co-operation. Government was, in Mr Jinnah's opinion, trying to find excuses for not appointing the Royal Commission. Was the rest of India to be penalised because the Congress, which consisted of only 7,000 members, had taken up a certain attitude? Mr Jinnah charged Government with having failed to co-operate with the House and having driven away the Swarajists. His position was that he was not refusing supplies in the sense in which that action was to be followed by non-payment of taxes. The Members of the Executive Council toured all over the country, but learnt nothing and therefore the grant was not necessary. Mr Rangachari, in supporting the motion, observed that the idea of partnership with which he had entered the Assembly was a dream, the true meaning of which Government did not realise. When the Britishers entered the Indian Civil Service, they learnt to serve only one God, namely, "Time". If the non-co-operators represented the bulk of the country, their wishes must be respected, if they did not, the wishes of the rest of India must be respected. By the present system Government were creating irresponsibility in the non-official members, the non-official members were creating irresponsibility in the Government. Sir Percy Lindsay hoped that Government would give Mr Jinnah greater encouragement than they usually did in the "dry-as-bone" tactics. He would have liked to vote with Mr Jinnah but he represented a constituency and was unable to pledge his community, but in refusing to vote for the motion he denied that he was playing into the hands of the Government. Sri Hari Singh Gouri in supporting the motion said that the representatives of the people were the best judges of their interests and if a Commission in 1926 would prejudice the Government of India, what guarantee was there that the Commission of 1929 would not? In Mr Dumasia's opinion, the Government could not in the face of the political situation created by the Swarajists do greater disservice than by appointing a Commission. The Government of the country must be carried on and they could not afford to destroy the fabric of a stable Government to please one section of the people of India. Mr Schammad Sahib condemned the conditions in the Andamans and supported the resolution. Sri Sivaswamy Aiyar also supported the motion. He could not see why the bureaucracy had suddenly become highly enamoured of dyarchy which had not been appreciated at the time of its introduction by anybody, including officials. Government could not go back, they had to go forward, and they must do so soon in order to destroy the feeling of distrust of their intentions which was universal in India. The Home Member referred to the fiscal policy, discriminating protection, State management of Railways, separation of railway from general finance, Workmen's Compensation Act, Trade Union Act, Opium policy, Army, Royal Indian Navy, etc., as illustrations of what Government had done. He explained the posi-

tion with regard to the recommendations of the Majority Report and complained that they had not met with adequate support from the Legislative Assembly. He had found considerable prosperity in the Andamans and his visit had enabled many outstanding questions to be decided and had been of great benefit both to the free and of the convict inhabitants of those Islands. If there was one thing on which the Home Member was most clear, it was that the people of India and the Government of India owed a great debt of gratitude to Sir Basil Blackett for his work in the Finance Department and more especially for the present budget which he had presented. The Home Member pointed out that on the one hand Mr Jinnah wanted the statutory Commission and on the other he appeared to ask for a Commission not because he wanted an inquiry only but because he was satisfied that in his own mind he had a case which, if brought before a Royal Commission, would help him in obtaining further advances. But what were the facts? Those who were anxious for India's advance could not view without great regret the set back which had taken place within the last few days. Admittedly from the first Assembly a large number of politically-minded persons had stood aside and to the second Assembly the largest single group had come in order to render impossible the work of the reforms. Of those who said that Government were endeavouring to put off the evil day, the Home Member inquired if any one who had followed the methods employed by Government could seriously say so. The Government members had exercised great patience under grave provocation. Sir Alexander regretted the absence of the Swarajists and expressed his obligation to those who in days of obloquy and trial had stood by the constitution. Still if the Commission came it would have to inquire into the actual working of the reforms. The Swarajist members represented a large proportion of the House and it was equally true that they had reduced the reforms to impotency in Bengal and the Central Provinces. How could a demand for a Commission then be urged? "On these facts how are we going to the Government at Home?" said the Home Member "and with any show of confidence to urge on them, even if we ourselves were convinced of the necessity of it, the appointment immediately of a Royal Commission?" The position was that the door was still open, the last word had not been said, it was still open to India to secure advancement by compliance with the condition which had been laid down. Concluding the Home Member compared his position to that of a watchman on a tower looking out at the night, to whom the King sent messengers to inquire about the night, and said "When will the people of India enable me to say the dawn is breaking?" Mr B C Pal described the Assembly as a widowed House and said that Government were hurting the country by their refusal to appoint the Commission. In Bengal the reforms had failed because Lord Lytton, though a perfect gentleman, a perfect *padri* and follower of Christ, had bungled. Mr Pal inquired if Government were going to help the Swarajists by refusing Mr Jinnah's demand. The discussion had to be adjourned to the 12th March when again it took up practically the whole day. Maulvi Muhammad Yakub supported the motion so did Mr Joseph Baptista as a responsive co-operator. The latter observed that before the war there were only two autocrats, the Czar of Russia and the Viceroy of India, the Czar had gone but the Viceroy remained

and had been made a greater autocrat by the reforms. Sir Charles Innes expressed his surprise at Mr. Pals's support of Mr. Jinnah's motion and reminded him of what he had said in 1925 regarding the building up of a convention under which the Viceroy could not ordinarily certify a grant. Conventions like this were in Lord Peel's mind when he had sent his despatch and the House was now prevented from building up such conventions. The grant under discussion was intended to enable members of council to travel all over India and the business community of the country would not relish it if any restriction were placed upon the tour. The Commerce Member appreciated the change in Mr. Jinnah's motion from the resolution passed last September and said that he had very much greater sympathy with that change. He read out section 84A of the Government of India Act to show what the Royal Commission, when appointed, would do. Whatever the defects of that Act, it represented a notable advance in the solution of a very difficult problem. But what had been the response? Non-co-operation, and the Swarajists had come with the avowed object of obstruction. Another gesture had been made by the Secretary of State and the Viceroy and it had been flung back by the resolution of September and by the walk out of the Swaraj Party. The Commerce Member asked any far-sighted person to consider what the Government could do in such circumstances. Sir Charles believed that Non-co-operation had spent itself, but he advised the House in no way to identify itself with the message Pandit Motilal had delivered. Colonel Crawford remarked that the Act of 1919 was either capable of being worked or was fundamentally wrong and ought to be changed. He did not see why the Government of India had not made up their mind on this important subject. Suggestions of the open door diverted the attention of the electorate from the various economic and other problems facing India to the constitutional issue. In his opinion the time for the appointment of the Commission had not yet come. Pandit Madan Mohan Malaviya recognised that both the Home Member and the Commerce Member had been sympathetic, but they felt that the interests of India would not be served by adopting Mr. Jinnah's motion. They had asked for greater co-operation from Indians. But they must consider if Indians as a body or Swarajists alone were responsible for the denial of the co-operation Government had asked for. Mr. Malaviya went into the history of the last few years and argued that in spite of difficulties a great deal of co-operation had been offered to Government and even the Swarajists had had a share in it. If all feeling of non-co-operation was to be obliterated, Government must accept the demand which had the support of all parties. Mr. Malaviya did not desire early cessation of the British connection and if it was to continue, it was not right to ignore the united demand of Indians. If, however, Government refused the demand, the House must enter its protest by voting for Mr. Jinnah's motion. He gave a long list of grievances in order to show that although Government had done something, if they had been responsible to the House they would have done a great deal more. Mr. Burdon dealt with the record of Army reforms. He referred to the institution of the Royal Military College at Dehra Dun, the arrangements which had been made to provide the Indian soldier in the Indian Army with a sound practical education and for the

education of the children of the Indian soldiers and officers, the Indianisation of the ancillary departments of the Army, the employment of Indians in the India Reserve Officers and in the Indian Army Veterinary Corps, their position with regard to the Indian Ordnance Factories and the Territorial Force, the appointment of the Sken Committee and the announcement regarding the Royal Indian Navy Mr Burdon denied that this record of Army reforms which the Government of India had carried out was inadequate having regard to the difficulties under which the task had to be essayed Diwan Bahadur Ramachandra Rao complained that the Home Member had committed himself to nothing, that the argument of the want of co-operation was not justified and after all the co-operation Government had received it was ungenerous to say that there had been no co-operation The general objective of all parties in regard to future advance was the same, and if the Royal Commission recommended a set back they were prepared to face it Mr S R Das dealt with the claim that the condition laid down by Lord Birkenhead had been complied with and referred to the campaign which had been carried on during the elections Having regard to the avowed policy with which the Swarajists had come, if Pandit Motilal Nehru had had a majority he would never have offered co-operation Mr Jinnah's party had prevented Mr Nehru from carrying on obstruction in the House, the co-operation which the Swarajists had given had been forced out of them and was not that willing co-operation which Lord Birkenhead had wanted Mr Das also referred to the manner in which the responsive co-operators had been treated Coming to the exodus of the Swarajists Mr Das enquired if it had not been dictated by the exigencies of the elections, and in reply to the remark that the country should not be penalised, even assuming that the Swarajists had not co-operated, Mr Das inquired if Government could really ignore the Swarajists How long the present position would continue depended on the other political parties and it was for them to organise themselves and to capture seats at the next elections Mr Venkatapatiraju referred to the fundamental defects in the present constitution, namely, the position with regard to taxation, the power of imprisonment without trial, the power of certification and the absence of equal opportunities to all and privileges for none and remarked that these defects required a change which it was incumbent on Government to make Sir Henry Stanyon reiterated the position of non-official Europeans and said that they could not vote with Mr Jinnah because he had not convinced them In his opinion a Royal Commission should come out when the reforms had been so far assimilated in the country as to justify a further advance Mr Raj Narain did not like the constitution and wanted it to be changed but he did not think the mode adopted by Mr Jinnah was right Maulvi Abul Kasem saw no reason why a Royal Commission should not be appointed If the Act of 1919 was not sacrosanct, there was no reason why the condition laid down by the Secretary of State should be sacrosanct He doubted if any kind of handling could have saved the situation in Bengal But he felt that by their action Government were helping the Swarajists to capture seats The motion was put to the vote and lost by 47 votes against 31 Although, the guillotine having fallen, no discussion could take place, when the demand for Expenditure in England—the Secretary of State for India was put to

similar experience from the Colonies. Dealing with the remark that he was bargaining, the Home Member said that he was proud to feel that he was trying to secure the best bargain for India. The suggestion that they should wait until the question of the reforms was settled greatly over-stated the point. The Home Member expressed his surprise at Mr Rangachariar's amendment and declined to deal with the point which had been urged in order to insert the word 'Indians' in the resolution. Concluding the Home Member appealed to the House not to reject the proposal and to bear in mind that the change would secure better decisions and a better Court. Mr Rangachariar's amendment was put clause by clause and rejected without a division. The main resolution was put to the vote and lost by 50 votes against 40.

The decision of the Assembly did not commend itself to the Council of State as was apparent from the fact that when Mr Khaparde brought up the matter before that House he was thanked from all sides for the opportunity he had given to the House of expressing its views. Mr Khaparde felt that Government had made a gesture which, he regretted, had not attracted the attention it deserved. He moved on the 15th March 1926 a resolution in the same terms as the Home Member had brought up before the Assembly with one change, namely, that the Judges should be of Indian domicile. Sardar Charanjit Singh asked for the deletion of the change Mr Khaparde had made in the resolution because he thought that the real test should be that of efficiency and the selection of Judges should not be influenced by racial considerations or complicated by communal prejudices. Mr Crerar observed that the attitude of Government towards the resolution was naturally one of benevolence, they would be very glad to receive the sense of the House. From the comments which had been made since the decision was arrived at in the Assembly Mr Crerar supposed that some of the opposition which had been raised there had been reconsidered and perhaps almost repented. Government would be very glad to accept the resolution subject to Sardar Charanjit Singh's amendment. Sir Sankaran Nair, Sayed Mohamed Padshah Sahib Bahadur and Raja Sir Rampal Singh opposed the amendment while Rai Bahadur Lala Ram Suran Das opposed on principle both the resolution and the amendment. Nawab Mahomed Akbar Khan and Sir Arthur Froom supported the amendment and Colonel Nawab Sir Umar Hayat Khan and the Maharajahdiraja of Burdwan supported both propositions. Mr P C Desika Chari supported the resolution regardless of the fact whether the condition with regard to Indian domicile was retained or not. The resolution as amended by Sardar Charanjit Singh's amendment was carried without a division.

Previous Sessions have amply shown the keenness of the Assembly in what are popularly called the "liberties" of the people. During the last Session the issue was directly raised on several occasions. On the 26th January Maulvi Mohammad Shafi moved the following resolution regarding the release of political prisoners —

"This Assembly recommends to the Governor General in Council that he be released

- (a) to order the unconditional release of all such convicted or under-trial political prisoners in Indian jails as have not been held guilty or charged with any act of violence and all political déteus whose trial in a court of law is not contemplated,

- (b) to order the release of all other political prisoners convicted or under trial, provided that a committee consisting of two members elected by the Legislative Assembly and two members nominated by the Government recommend their release, and
- (c) to allow the return to their homes of all Indian exiles in foreign countries who are supposed to have been concerned in revolutionary movements in order to secure freedom for India on such reasonable and honourable terms as the Government may think fit to impose "

In commending his motion the mover advised Government to seize the opportunity of enabling the people to co-operate with them. Those who had accepted the doctrine of non-violence were the real soldiers of peace and it was not right to detain them, their detention did more harm to England than anything else. As for those who had been exiled to foreign countries, the mover wished to leave the matter to the mercy of the Government but he did not want them to lay down humiliating conditions. Mr Ranga Iyer in supporting the resolution complained that in India persons had been treated as political prisoners against whom there was not a shred of evidence. Government were assassins of the worst type because they were murdering the liberty of people fighting for freedom. Colonel Crawford failed to see any new aspect or any new evidence which would enable him to view the question differently from the way it had before been viewed. The atmosphere was calmer but the credit for it was due to Government and to those who had helped in enacting extraordinary measures. Pandit Shamlal Nehru, Mr Majid Baksh and Mr M K Acharya supported the resolution. Mr T C Goswami moved the following amendment

"That for the original Resolution the following be substituted

'That this Assembly recommends to the Governor General in Council that he be pleased

- (a) forthwith to secure the immediate release of all political prisoners detained without trial,
- (b) to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries who may be or may have been suspected of being concerned in any revolutionary or other activities regarded by Government as prejudicial to the interests of India,
- (c) to bring to trial under the ordinary law of the land such persons against whom Government think that they have sufficient evidence to go to Court "

Mr Goswami said that the judiciary in India could not be relied on because of its prostitution for imperial reasons and he did not regard it as immoral for Indians to demand a change by violent means, though, he said, that it had been considered more expedient to stick to non-violence. Lala Duni Chand supported the resolution because in his opinion Mr Goswami's amendment did not go far enough. Dr L K Hyder opposed the resolution because he felt that those who had chosen

obtain accurate figures in regard to crimes in which there was no element of violence would require a perusal of the record of each case, but the Home Member believed that there could not be any in detention who would be covered by clause (a) or of the Gadr party referred to in the resolution. But it was not possible for him on such notice as he had had of the resolution to have examined all cases. In so far as the resolution asked for a general amnesty Sir Malcolm Hailey had laid down two tests to decide when Government should indulge in this luxury. Sir Alexander was not prepared to say that he entirely agreed that those were the only two tests, but one of them was that the state of affairs in the country should be such that some political object would be served by the release and the other was that a political movement had spent its force and there was no danger to the public safety. In Madras under the Madras Regulation 204 Moplahs were in jail and some 36 persons were otherwise restrained and the Home Member declined to agree that forcible conversion of Hindus was a political offence. The second class of prisoners covered by clause (a) were Bengal Terrorists. Seventeen of them were confined under Regulation III of 1818, 51 were in jail under the Bengal Act and 67 were otherwise regulated. The Home Member had never liked this legislation, but on the other hand the policy that had been pursued had been pursued at the instance of the Government of Bengal in continual association with the Government of India. The strongest justification of that legislation was that it had been very effective, there had not been one outrage and instead of men's lives having been wasted, lives had been saved, including the lives of some of those misguided men who were now under detention. The Home Member would release the prisoners as soon as possible and in the meantime he had had complaints investigated and he had personally satisfied himself that these men were treated humanely, decently, in every proper way. Proceeding the Home Member objected to the Committee proposed in clause (b) because it would be an encroachment on the judiciary and on the executive. But if anybody was willing to give facts about individual cases Government would look into them. Regarding the return of Indian exiles, the Home Member recognised that it was their business to consume their own smoke, that they were not entitled to require other nations to bear with those undesirables with whom they themselves did not wish to bear, but on the other hand they had no right to inflict their undesirables on an unwilling India. But what these exiles wanted was a safe conduct that when they came back they would not be prosecuted—a guarantee which he was unable to give. Concluding the Home Member defended the police and the courage with which they had worked and he deprecated the attacks which had been made against judges. The Home Member was willing to consider anything put forward, he desired to limit the restraints to the very minimum of what was essential, but he could not, to please a political movement or to secure temporary support, compromise the interests of the ordinary citizen, which were the interests of law and order. Lala Lajpat Rai said that all the three clauses of the resolution applied to him and he asked Government to follow the British system of justice. So long as Indians were treated as dogs, non-co-operation was indispensable and all invitations to co-operate with Government were mere pieces of diplomacy. Mr Abdul Haye in supporting the resolution said that Dr Hyder had not represented the views of his community. Mr Abhyankar said that might was right and that the grounds for asking for

amnesty were to be found in the barbarous, military and uncivilised character of the Government Mr Jinnah was unable to support the resolution but offered to support the amendment. He did not consider it right to refuse to bring to trial people who had been locked up for over a year. It was no good saying that there was no difficulty when everyone of the exiles could on return be convicted under some law or other and Mr Jinnah asked Government if they would abstain from taking action against those who gave an undertaking not to associate themselves with any foreign Government or to engage in any unconstitutional, violent or non-peaceful propaganda. Mr Jinnah relied on clause (c) of the amendment in order to show that they did not wish any offence to go unpunished, but they wanted a trial. Mr Amar Nath Dutt charged Government with creating revolution by adopting illegal and unconstitutional methods. Sir Darcy Lindsay emphatically denied that in framing the Ordinance the Government of Bengal had taken non-official Europeans into its confidence. But they did not like men to be detained without trial and Sir Darcy Lindsay endorsed Mr Jinnah's appeal. Winding up the debate, the Home Member said that the measure in Bengal had been effective, but it had not been entirely successful. Two recent cases which were now under appeal showed a change in the conditions which had made trials possible, but they did not show the absence of anarchy. When the atmosphere improved the Home Member would be most willing to consider the question of amnesty in a manner acceptable to the House. Regarding the exiles the Home Member repeated that they were not asking for passports but for certificates of indemnity. He could not lay down any general rules but he was willing to consider on its merits any case which was brought to his notice. The resolution was put to the vote and lost by 46 votes against 40, the amendment was carried by 53 votes against 45.

On the 9th February Mr Amar Nath Dutt moved —

“This Assembly recommends to the Governor General in Council that the Government do immediately move the Secretary of State to disallow the Burma Expulsion of Offenders Act, 1925, or, in the alternative, to take immediate steps to introduce a Bill in the Indian Legislature to repeal the said Act.”

Mr Dutt characterised the measure as a black Act and saw no reason why it had been passed. He criticised the definition of “Non-Burmans”

as meaning Indians and said that the Act would retard the political progress of Burma which was dependent on the co-operation of the Indian community.

Rao Bahadur M. C. Naidu refuted the grounds on which the Act had been attacked and contended that it had been passed to protect society. Sir Hari Singh Gour said that the Bill was the outcome of agitation against Indians and had been opposed by the President of the Burma Chamber of Commerce. He criticised in detail the provisions of the Bill. Colonel Ownes in opposing the resolution said that the Burmans would regard it as outside interference with their domestic rights. The aims and objects of the Act were very reasonable, it was passed to meet the demand that Burma should no longer remain the happy hunting ground for criminals from outside. He assured the House that there was no movement to expel Indians for the obvious reason that Burma could not do without them. Mr U. Hla said that those who had voted against the Bill in the Burma Council were non-Burmans and he opposed the resolution. Mr Rangachariar said that so long as Burma was of

India, Indians would have their domicile in every part of that country and the Government which could not secure it was impotent. Maung Tok Kyi said that the Bill did great injustice to India and was based on principles utterly unsound and openly mischievous. Dr Datta saw no reason why the Bill was passed by the Burma Government. For a Federal constitution it was fundamental that all citizens were equal and he cited John Benson's case from the Australian High Court to show that the power of States to make laws excluding citizens of other States was limited. The case was the same in America. Sir Alexander Muddiman said that the resolution asked the House to sit in judgment on legislation passed by the Burma Government. The practical position was that extraordinary measures had been taken in Burma, whether justified or not, against persons who were non-Burmans. The problem of dealing with criminals who came from another part of the country was more difficult for the local authorities and he was unable to subscribe to the proposition that special measures were not justifiable against persons who came from other provinces, whose language and habits were unknown to the local police and whose methods and forms of crime differed entirely from those adopted by the indigenous population. It had been found necessary to enact such legislation in other places and that legislation had not attracted the unfavourable criticism which this legislation had. The Home Member went into the constitutional position, explained what procedure was followed under the Government of India Act and showed that there was no analogy between the Australian and the Indian constitution. The Joint Select Committee had laid down that in provincial matters which were reserved when the Provincial Government and the Legislature were in agreement, they should ordinarily be allowed to prevail. It would be an extremely wrong step for any authority having before it a Bill of the Provincial Council duly enacted, duly assented to by the executive Government and by the executive authority empowered to give final assent in India to interfere. Mr Bipin Chandra Pal endorsed Mr Rangachariar's pleas. Pandit Motilal Nehru said that on the merits the measure was a disgrace. The mere fact that in dealing with certain matters it was necessary for the local Legislature to take the sanction of the Governor General did not invest it with final authority and the sanction given by the Governor General did not operate as an estoppel on the Central Legislature going into the matter. The Burma Council had really amended the Indian Penal Code by providing additional punishment and for this there was no warrant. Mr Jinnah said that this legislation affected every British Indian and he doubted if sanction could be given under sub-clause (3) of section 80 of the Government of India Act. He inquired if Government had considered all the factors before giving the sanction and if they had any figures to show how many Indians had been convicted under the Act within the last two years. Mr Jinnah maintained that Government had made out no case, that the Governor General was wrong in having given his assent to the Act and that the statute was most dangerous in principle and in its provisions. Mr Bhore differentiated the Act under discussion from the legislation proposed in South Africa on the grounds that the former was not discriminatory against Indians so far as expulsion was concerned and was directed against those who had committed offences against the criminal law of the land. Lala Lajpat Rai had gathered during his recent visit to Burma that the Burmans denounced the Act as

much as Indians. He inquired if this Act was a reward to Indians for having helped the British to conquer Burma and having helped in the administration and progress of that province. Mr Tonkinson dealt with the scope and provisions of the Act and showed how unjustifiable prejudice had been created in the House against the measure. There were real and effective safeguards against the Act being used in unsuitable cases. He was not surprised at the opposition to the inclusion of section 124A in one of the Schedules to the Act, but this was a matter which could be brought up before the Burma Council by means of an amending Bill. Mr Tonkinson went into the question of domicile and urged that as applied in the legal and not in the political sense it was not correct to say that an Indian had his domicile in every part of India, in a federal sense each province was a country. He denied that the Act was *ultra vires* of the Burma Legislature and that the Governor General was wrong in having given the sanction. The Act did not constitute any discrimination because Burma had the power of re-exporting beggars, Bengal had passed the Goonda Act, and Bombay had the power to export British Indians (Pathans) who went there from the North-West Frontier Province. Even in England one Parish would send back a person who had not obtained settlement in it. Moreover, Burman offenders would be dealt with under one Act and Indians under another, it was therefore wrong to talk of discrimination. Colonel Crawford regarded the Act as a dangerous precedent and opposed differential legislation being undertaken in provincial Legislatures. Mr M. K. Acharya supported the resolution. Dewan Bahadur Ramachandra Rao contested Mr Tonkinson's propositions and argued that every State and every province had sent some men to Burma who had contributed to its prosperity. The question was not a small domestic question and if any law was required it should have been passed by the Central Legislature. Mr Rangaswami Iyengar remarked that legislation should have been undertaken in the Central Legislature or the Bill should have been reserved and previous sanction should not have been given by the Governor General. Sir Henry Styan observed that the Burma Council had fallen into a fundamental error in not appreciating the significance of domicile. Mr Amar Nath Dutt said that by means of cliques organised by officials, legislation was carried on in local Councils. Winding up the debate the Home Member asked the House to realise that it was being asked to reject the Act which had been passed at the instance of a Burman Home Member by a Burman majority and assented to by the Governor and later on by the Governor General. While opposed to any encroachment on the jurisdiction of the Central Government or the Central Legislature, Sir Alexander Muddiman thought that this Act had been properly passed in Burma. It could not be suggested that provincial Legislatures should have no power to deal with matters peculiar to themselves merely because they affected other provinces. The Home Member denied that there was any attempt to set up Indians against Burmans because he had himself seen in Burma how essential the Indian was. A very strong case was required to refuse sanction when an application was made by a responsible Government and the giving of assent was a different matter from administrative approval. But here again very strong reasons were necessary before assent could be refused. "While maintaining therefore the central control of the Central Government" said the Home Member "I maintain that to ask us to take the action suggested in this Reso."

would be a very serious matter " The resolution was carried by 69 votes against 53

Another occasion on which the liberty of the subject was discussed was in connection with Mr Amar Nath Dutt's Bill to repeal the Bengal Regulation, 1818 State Prisoners Regulation, 1818 Having been passed at a time when there was no Criminal Procedure Code or Indian Penal Code and no constituted Legislature the Regulation was, the mover said, now a lawless law Deportation without trial was a dangerous weapon in the hands of the bureaucracy Mr J T Donovan strongly opposed the motion and said that the suggestion to repeal Regulation III was as good as a suggestion to repeal the Ten Commandments It was not the voice of Bengal which demanded the repeal and he opposed Mr Dutt's Bill for the sake of the people of Bengal for whose protection the Regulation was necessary The manner in which the Regulation had been used on the rare occasions on which it had been employed in Bengal showed that the Government of Bengal did not want to use it Mr Dutt had made no constructive suggestion as to what should replace the Regulation and Mr Donovan reminded the Assembly that his own country (Ireland) had, immediately after getting Swaraj, introduced a law similar to the Regulation Something akin to the Regulation was necessary for every civilised country, and age was no more an argument against the Regulation than against the laws of Manu or the *Habeas corpus* The young generous youths of Bengal were being brought up in an unhealthy atmosphere and behind them was the political conspirator to run them It was to protect those youths that the Regulation was employed, and it had been employed against persons who, Mr Das himself admitted, had been revolutionaries Mr K C Neogy complained that one single member of Government could use Regulation III and the Government of India had abdicated their functions Against the claim that every civilised country needed a Regulation of this kind Mr Neogy referred to His Excellency the Viceroy's speech on the 20th January 1926 which, he said, contained only an apologetic reference to what had been done in Bengal Lala Lajpat Rai said that the test of a Government having moral grasp over its people was that it did not need laws like Regulation III and in no European country were coercive laws passed or maintained in normal peace times In spite of attempts on the life of the President of the United States, the Syndicalist movement and the presence of revolutionary movements in all European countries no such laws existed there in peace time Unemployment of uneducated middle classes was at the root of anarchy and Lala Lajpat Rai appealed to Government to govern India according to the best British traditions Mr Bipin Chandra Pal accused Government of killing the soul of the youths in Bengal and said that crimes were evidence of that fact The terrorist movement he said was an answer to the terrorism of the Government Mr Muhammad Yakub claiming to speak on behalf of 75 per cent of educated Muhammadans said that they were as much opposed to Regulation III as anybody else Mr Yacoob Cassim Arif also supported the Bill The Home Member enquired if the House had always supported Government in maintaining law and order and felt that Indians were a little unwilling to put the criminal law into force not because they had any sympathy with crime but because it was a national characteristic He agreed that the trouble was due to economic unrest but he felt that freedom must be such as would not infringe on the liberty of others The

Home Member disliked laws like Regulation III but it was to secure freedom of the right kind that it had to be applied. The powers were open to abuse and must therefore, be used with extreme discretion. If Government had a majority they might have brought in a Bill to modify the provisions of the Regulation on modern lines. The Home Member denied that the Government of India was in the pocket of the Bengal Government, they looked into matters with the greatest care and were not devoid of political wisdom. Speaking for himself the Home Member claimed that the Local Governments would have to make out the most convincing case before he could be persuaded to take action under Regulation III. Mr. Rangar Iyer argued that the Regulation was directed against the Swarajist movement. The discussion on this Bill was not concluded on the 12th and had to go over to the 19th February 1926. Colonel Crawford referred to dangers like those of Bolshevism and spoke strongly against the repeal of the Regulation. Mr. Devaki Prasad Sinha challenged the seriousness of the Bolshevik menace and said that the only chance of its success lay in the present discontent in the country. Sir Denis Brax observed that he was concerned with the Regulation in so far as it was connected with the due maintenance of alliances with foreign powers and of peace along the frontier. Some form of personal restraint was essential for India's good for the maintenance of peace and for the discharge of her international obligations. Mr. Goswami in supporting the Bill said that a Government which had had recourse to imprisonment without even framing charges was an object of contempt. He said that the Regulation had had to be applied in Bengal more than any other province because Bengal had to wipe off the traitor's guilt, because Bengal remembered Omri Chand and Mir Jafar the Risley Circular (which had made the singing of Bande Mataram an offence) and the treatment of indigo planters. Mr. M. K. Acharva supported the Bill and Raja Raghunandan Prasad Singh recognised that sometimes the Regulation had saved the country from the outbreak of anarchy but objected to its continuance on the permanent statute-book. Maulvi Abul Kasem remarked that if Government was divested of the powers given by Regulation III anarchy and disorder would prevail in the country. Dealing with the demand for bringing suspected persons to trial Maulvi Abul Kasem said that the demand was made by those who had no confidence in the Courts and to them it made no difference whether a man was convicted after trial or interned without trial, whereas in the case of those who give evidence in such cases there was real danger. Dr. E. M. Macphail opposed the motion and said that in no country had people such a natural right as was claimed by Mr. Goswami who did not object to crime for political purposes. Sir Hari Singh Gour said that the Government were committed to repealing the Regulation because they had accepted the recommendations of the Repressive Laws Committee. Diwan Chaman Lal said that no human being had a right to rob a man of his liberty without bringing him to trial and he maintained that the conditions laid down in the Regulation were not fulfilled because there was no internal commotion and no fear of foreign invasion. Khan Bahadur Wali Muhammad Hussanally in opposing the motion said that picketting and spinning had failed and if India could win Swaraj through suffering the Regulation offered real scope for it. Colonel Henry Stanyon argued that the Repressive Laws Committee had not recommended the repeal of the Regulation and Government had never agreed to repeal it.

Replying to the debate Mr Dutt said that the Government's attitude was not calculated to lead to co-operation. The Home Member said that whether the men were tried or interned it would make no difference in the eyes of those who had no confidence in the British Courts, in their Magistracy and in their officers. The Regulation gave powers which it was difficult to defend but those powers were necessary. Government desired to use them within as limited an area and to as limited an extent as possible, they tried to examine and sift the evidence as much as they could and to reduce as far as possible the rigour of internment. The Home Member expressed his surprise at Mr Goswami's theory because every one else in Bengal had expressed his abhorrence of political crime. Perhaps the Permanent Settlement of Bengal was responsible for Mr Goswami's attitude. Bolshevism was a real danger and the Home Member quoted from a letter written by the Vice-Chancellor of the Oxford University to the 'Times' stating that the charge that Indian students were being infected with revolutionary ideas by Bolsheviks had been substantiated. Mr Dutt's motion that the Bill be taken into consideration was defeated by 49 votes against 46.

There was no falling off in the anxiety of the Legislature to secure better opportunities for Indians. On the 17th February 1926 Mr Phoroze Sethna moved that —

"This Council recommends to the Governor General in Council to appoint an Indian of suitable rank and qualifications to be the Leader of the Delegation representing India at the next Session of the Assembly of the League of Nations."

He complained that two years ago he had brought up a similar resolution and had withdrawn it on an assurance given by the then Leader of

the House, Sir Muhammad Shafi, that the proposal would receive the most careful consideration, but in spite of that assurance no action had been taken.

and no Indian had been appointed to lead the Delegation. Mr Ramadas Pantulu moved an amendment to the effect that the Leader and the other members of the Delegation be appointed from a panel of six persons to be elected by both Chambers of the Central Legislature. Mr S. R. Das dealt with the constitutional position in relation to the appointment of delegates to the Assembly of the League of Nations and said that the practical difficulties which would arise if effect were given to the resolution were much more in the case of India than in the case of a self-governing State. But for the fact that India, as a signatory to the Treaty, had become an original member she could not have now become a member of the League of Nations. How was the representative of India then to be chosen? There was no legal difficulty but the practical difficulties were enormous because the Government were responsible for their policy to the Parliament and if they were represented in the League of Nations by some one who was not prepared to carry out their instructions it would be difficult to hold Government responsible for what their delegate did in the Assembly. Proceeding Mr Das said that the representative must always be appointed by the Executive Government because even in a self-government State the election of the representative by the Legislature or the selection of a representative from a panel elected by the Legislature would be an encroachment on the Executive. India was not self-governing, the Indian Government was not responsible to the Legislature but to Parliament, and it was clear that the responsibility of the Government of India rested in the Governor General in Council subject

to the control of the Secretary of State and to such control by the Legislature as was conferred on it by the Government of India Act. However much the present position might be deprecated Government could only consider the question of the appointment of the representative of the Government of India from the point of view of the present constitutional position of India and therefore the representative must be some one on whom the Government could rely to carry out its instructions at the meetings of the Assembly. It was therefore not possible for the Government to accept the amendment. With reference to the resolution the Government hoped this year at any rate, to be able to make an announcement as to how far they could give effect to the proposal at the next Session of the Assembly. They recognised the wish of the country and had the fullest sympathy with the motion. Though they were not in a position to accept the resolution because the matter was under consideration he did not propose to oppose it. Mr P. C. Desika Chari and the Maharajahdiraja of Burdwan supported the resolution while Colonel Nawab Sir Umair Hayat Khan opposed it. Dr U. Rama Rao supported the amendment. The amendment was negatived and the resolution was adopted without a division.

In order to secure greater opportunities for the youths of the country Rai Bahadur Lala Ram Saran Das moved a resolution in the Council of State on the 8th March 1926 asking that a certain fixed number of appointments be guaranteed every year in the Mechanical and other Departments of State Railways to qualified students of the MacLagan Engineering College Lahore and other similar colleges in other parts of India. Mr Chadwick maintained that Indians had got appointments. Dealing with the Superior Services he showed that the training and selection of Indians had engaged the careful attention of the authorities. Schemes for the training and recruiting of Indians had been prepared and were at present before the Secretary of State and therefore could not be published. The principle on which these schemes were framed, however, was that the Railways had undertaken to recruit, as trained Indians became available, 75 per cent of their annual vacancies from Indians and other members of this country in which term Anglo-Indians were included. It was therefore only proper that any scheme devised for their direct recruitment should aim at getting the best that India could give and at ensuring that any supplementary training that might be necessary was of the best character possible. Mr Chadwick enquired if that was to be attained by making the appointments to Railway Services the perquisites of particular colleges. He briefly indicated the lines on which the Railway Board proposed to recruit officers for their Superior Services and showed that the scheme was based on competitive examination. Colonel Nawab Sir Umair Hayat Khan supported the object underlying the resolution, but the resolution when put to vote was lost by 24 votes against 10.

On the 19th March Sir P. S. Sivaswami Aiyer Moved —

“This Assembly recommends to the Governor General in Council that he will be pleased

- (a) to recognise the need for the training of Indians for nautical careers and encouraging the creation of an Indian Mercantile Marine,
- (b) to accept the policy and measures recommended by the Indian Mercantile Marine Committee,

what effect the reservation would have on smaller ports and dealt with the difficulties in so far as the coasting trade of India was largely a seasonal trade. Viewed as an economic proposition, the result of reservation must be that freights must go up and that the enhanced freights would fall mainly on essential commodities like oil, coal, rice and food grains.

If you think out carefully the economic consequences of the policy proposed," said the Commerce Member "you will find that you will place upon your own trade and your own industries a very severe burden. We think that there is no justification for doing that." Government were prepared to take up the question of the training of Indian officers, but they had not gone very deeply into the question of training engineering officers and were hoping to take it up with their Departmental Committee. Sir Charles Innes was anxious to obtain the decision of the House on the very difficult question of the training of deck officers. Middle class boys of decent education could not be expected to come forward to be trained as deck officers unless they had some reasonable prospect of employment. They had assurances from all companies operating in the coasting trade of India and it would be the business of Government to see that those assurances were worked up to. But the total number of deck officers required for the coasting trade of India was not more than 300 or 320. The average rate of recruitment for that number was not more than 10 or 12 per annum. Then again sea life was a very hard and a very badly paid life. The third officer got from Rs 150 to Rs 180 a month, the second officer from Rs 266 to Rs 320, and the Chief Officer from Rs 350 to Rs 400, while the Master got from Rs 533 to Rs 800 a month and that salary he obtained after 15 or 16 years' service. They had therefore still to solve the question whether the well educated Indian boy was likely to come forward for a hard life on such rates of pay. The maximum number of men they could launch in the most favourable circumstances would not be more than 10 or 15 a year and they could not maintain a training ship with a three years course with 36 or 40 boys because they should have something like 90 to 100 boys on the ship. Therefore 30 or 40 boys would pass every year and only a portion of them would be able to get posts at sea. The cost to Government of the training ship on their provisional estimate would involve an initial outlay of Rs 3 lakhs and an annual expenditure of something like Rs 2½ lakhs. If only 10 or 15 boys went to sea each boy would cost something like Rs 20,000. The conditions of the alternative scheme of sending boys home for training were that in the first place they could select their boys at once and further those boys would secure a better start if they had been precisely through the same mill as the English boy. On the other hand there were serious difficulties in the way of sending Indian boys of the age of 14 to England to go through the Worcester or Conway and Government felt that the right way to set to work to train deck officers was by establishing their own training ship in India and if the House would support them in the matter, they were quite prepared to take it up in earnest. Sir Charles Innes moved the following amendment, which was adopted without a division —

"That the debate on all the subjects covered by the Resolution except the proposed training ship be adjourned till the next Session, and that, as regards the training ship, the Assembly recommends to the Governor General in Council that the scheme for the establishment in Indian waters of a training ship for deck officers should be accepted in principle."

To complete the resolutions dealing with opportunities for Indians, it only remains to mention Mr P C Desika Chari's resolution moved in the Council of State on the 10th March recommending that in future only officers with judicial training and experience be appointed as Assistant Commissioners of Income-tax. Pandit Sham Behari Misra saw no reason why such experience should be necessary in an Income-tax Officer and opposed the resolution. Mr McWatters gave figures which showed that there neither was any great defect in the work of the Assistant Commissioners nor was there any laxity of control on the part of the Commissioners. As regards knowledge of law, even the High Courts had found that the officers were not deficient. The duty of the Assistant Commissioners in the first instance was to make assessments and their first qualification should be a thorough knowledge of commercial accounts. From the administrative point of view the Secretary in the Finance Department thought that the result of adopting the resolution would be to wreck the Income-tax Department. Out of the 25 men now holding the posts of Assistant Commissioners no less than 18 had had previous training as Magistrates or in the judicial line which showed that Government had not overlooked the matter of retaining a leaven of judicial experience in the Department, but at the same time they could not overlook the just claims of men in the Department itself. The resolution was by leave withdrawn.

While talking of the increased opportunities the Legislature tries to obtain for Indians, it will be convenient to refer here to a resolution which raised the question of unemployment among the middle classes and was moved in the Assembly on the 28th January 1926 by Mr A. Rangaswami Iyengar in the following terms —

tion Maulvi Abul Kasem favoured the appointment of a Committee of non-official experts presided over by a non-official gentleman to consider the question and to submit a report for the consideration of the Government. The Assembly would then be in a position to consider the report and press upon the Government such action as appeared necessary. Sir Willoughby Carey thought, and Dr E M Macphail agreed with him, that local committees would be able to do the work better than one large committee. Mr Narain Dass thought that it only required a little sympathy on the part of the Government and if they were lacking in it, no amount of investigation would be of any avail. Mr Calvert observed that there was practically no unemployment among skilled labour and in the Punjab at least they were unable to find the unskilled labour they required for public works. If they wished to find further employment by means of superior posts of direction and supervision, they must remember that for every crore of rupees which was invested in industries, they could find employment for about 500 men, who could take part in direction and supervision. There was ample potential capital in the country and if only a portion of it had come in the form of machinery for industries, there would have been no complaint of unemployment. The difficulty was that there could not be an industry consisting only of superior posts. Mr Calvert maintained that the Government was the largest employer of labour in India and it employed between 4 to 6 times as much labour as all the joint stock companies in the country put together. What the resolution dealt with was not work but unemployment which meant that the people did not want to find work for themselves by their own enterprise but wanted to be employed by somebody else. If the young men wanted work, the opportunities in the country were absolutely without limit there was unlimited scope for small industries. Another possible solution would be such improvement of agriculture as would serve the two-fold purpose of providing raw material for industries and of so raising the economic position of the cultivators that they would absorb the products of new industries which they all hoped to see sprung up. The final remedy for unemployment was confidence amongst the investing public and the problem was to get together the capital which existed in plenty, the enterprise which perhaps was not so plentiful, the labour of which so far as the skilled labour was concerned, there was marked scarcity and the confidence of the investing public. If these could be brought together the problem would be solved but Mr Calvert did not think that a Committee of the House could do much to bring these together. Mr Talbot suggested the appointment of a Committee of 25 members to

Mr. Ahmed Ali Khan opposed the resolution and Mr. Bipin Chandra Pal observed that unless the entire social system and the mentality of the people were changed it would not be possible to solve the question. Sir Bhupendra Nath Mitra expressed his gratification at the manner in which a considerable body of Indians were now taking an increased interest in the economic welfare of the country, because he felt that on the solution of these economic problems largely depended the ultimate regeneration of India. The Member for Industries and Labour recognised that there was unemployment among the middle classes but he denied that Government had failed to take action. Under the reforms all questions connected with nation-building had been handed over to Provincial Governments acting with their Ministers and Sir Bhupendra Nath was surprised to hear from the advocates of provincial autonomy that the Government of India should now intervene in matters which were primarily the concern of Provincial Governments. He dissented strongly from the view that the need for intervention had been established. It was obvious from the proceedings of Local Governments and their Legislative Councils that they had not been unmindful of their responsibilities in the matter. In their own sphere the Government of India had taken steps to develop their research institutions and a Mining School was about to be opened at Dhanbad. They had also formed and were gradually developing the Indian Stores Department and had modified the rules for the purchase of stores required for the Central Government so as to give greater latitude for the purchase of articles manufactured or available in India. The Tariff Board had granted protection to a certain number of Indian industries. The recommendations of the Indian Mercantile Marine Committee were calculated to provide further avenues of employment to the educated middle classes and the question of extending the grant of King's Commissions in the Indian Army to Indian youths was under the consideration of the Skeen Committee. As examples of the measures the Government of India had taken which would tend to reduce unemployment Sir Bhupendra Nath referred to the policy in regard to the development of railways and the policy of Indianisation of the services. As a result of the steps the Government of India had taken to place the finances of the country on a satisfactory basis and to rehabilitate her credit, they were establishing conditions which were necessary for the development of the country, industrial or otherwise. He also referred to the External Capital Committee and to the Indian Economic Inquiry Committee, which had made suggestions which ought to help in the direction desired and the same might be expected from the Royal Commission on Agriculture which had just been appointed. It was therefore abundantly clear, said Sir Bhupendra Nath, that the Government of India and the Provincial Governments had, where it was possible for them, already taken a great deal of action towards the investigation of the problem, but it was not possible for Government to solve the problem wholly, because there were certain factors connected with the psychology of the people and their social and *quasi*-religious habits which entered into its solution. It was for the leaders of the people in the provinces to take steps to secure the solution of this part of the problem. The only real solution of the problem of unemployment, whether among the masses or the educated middle classes, was the development of the country in various directions. Conditions differed in different parts of the country and the importance of leaving the Provincial Govern-

ments, at least at the earlier stages, a free hand to deal with the problem could not be exaggerated. After Local Governments had investigated the matter there might come a time when it might be necessary to appoint a Central Committee and when that stage was reached the Government of India would not hesitate to appoint the Committee. At the present moment, the Member for Industries and Labour thought, the appointment of such a Committee would be perfectly futile and the local Legislative Councils and Ministers might well take exception to it. Lala Lajpat Rai's amendment was carried by 48 votes against 46.

Not unconnected with unemployment was the resolution moved in the Assembly by Mr Abdul Haye on the 2nd February 1926 recommending legislation to prohibit beggary and vagrancy in India at an early date. The ground on which Mr Abdul Haye based his motion, however, was that beggary was the cause of inactivity, laziness and pessimism and the social system which tended to produce beggars would not long survive. Khan Bahadur Saif-uz-Zaman Khan thought that Mr Abdul Haye had overdrawn the picture and he wanted to amend the resolution so as to alter it into an inquiry from Local Governments and administrations whether it was possible to stop beggary and vagrancy in India by legislation. Mr Ranga Iyer felt that beggars existed everywhere and that legislation on the lines of poor laws in England would lead to a large increase in the number of beggars in India. The Home Member pointed out that the mover of the resolution had overlooked the distinction between a beggar and a vagrant. People who received religious offerings were not beggars and no sane Government could bring any legislation against them. The sturdy beggar was a problem which the Government of India was endeavouring to tackle. But in so far as the question of the beggars was not part of the general criminal law of the land it was a matter for the Local Government. There were provisions in the Municipal and Police Acts which were reasonable enough and if action was not taken under them the matter ought to be brought up before the Local Governments and Municipalities. The work-houses in England were a heavy charge on the rates and the Home Member hoped that in time by private generosity and benevolence asylums would grow up in India which would meet the difficulty complained of in the resolution. Sir Hari Singh Gour did not wish to go as far as to prohibit beggary and vagrancy but wanted that they should be regulated and controlled. He complained that persons with infectious diseases came near people asking for alms in public places and local laws did not meet the requirements of the situation. Neither of the amendments commended itself to the House and the resolution itself was lost by 56 votes against 21.

The position of Indians abroad also formed the subject of resolutions. Mr Gaya Prasad Singh desired to move a resolution on the position of Indians in South Africa and Pandit Motilal Nehru had given notice of an amendment but in view of the delicate negotiations which were proceeding at the time and the effect any discussion might have on them the debate on it was adjourned. Later on Mr Gaya Prasad Singh having withdrawn with the other Swarajists, neither his resolution nor Mr Nehru's amendment could be moved. Mr Jinnah, however, gave

notice of the following resolution which was to have been discussed on the 24th March 1926 —

* " This Assembly recommends to the Governor General in Council that he will be pleased

- (a) to represent to the Government of the South African Union that the proposed legislation known as the Areas Reservation and Immigration Registration (Further Provision) Bill is wholly unacceptable in principle, it being unjust and inequitable and inconsistent with the rights of British citizenship, and further constitutes a distinct breach of the Gandhi-Smuts agreement of 1914 in that it is calculated not only to make the position of Indians in South Africa much worse than it was in 1914, but its provisions are designed to destroy vested rights and to make residence in that country of any self-respecting Indian impossible,
- (b) to make a further effort to induce the South African Union Government to agree to a round table conference consisting of, among others, Indian representatives to settle all grave outstanding matters in controversy between the said Government and Indians,
- (c) to represent to His Majesty's Government that in view of the extreme importance and urgency of the matter it should use its influence with the South African Union Government to bring about a round table conference for the said purpose,
- (d) to arrange if necessary for a deputation consisting of representatives of the two Houses of the Indian Legislature, the Government of India and also of Indians in South Africa to visit England and make necessary representations to the British Cabinet and Parliament,
- (e) to represent to the Imperial Government that in the event of the failure of any satisfactory settlement of the question and of the passing of the Areas Reservation and Immigration (Further Provision) Bill into law His Majesty's Government should advise His Majesty to disallow the said law "

On that date Sir Alexander Muddiman stated that the position with regard to the Select Committee which was sitting in South Africa was precisely the same as when the House of Lords had postponed discussion of Lord Olivier's motion regarding South Africa. The report of the Select Committee was not expected before the end of the month and the published correspondence showed that the Government of India had done everything in their power to represent the Indian case and to secure an acceptable settlement. The Home Member assured the House that the Government of India would continue to spare no effort to secure that the Asiatic Bill was not proceeded with and to effect an acceptable settlement of the other points at issue. Sir Alexander felt that the discussion at this stage of certain clauses of the resolution could not be helpful and might seriously jeopardise any prospects there might still be of a satisfactory settlement and he asked Mr. Jinnah not to make his motion. Mr. Jinnah found himself in a very difficult and delicate position. He recognised that the Government of India were doing their utmost but if they failed and the Bill was passed before the end of the Session, the Legislature would be deprived of the opportunity of pressing its opinion and making its recommendations. While he did not desire to move the Resolution in view of the statement made by the Leader of the House, he requested Government to go the length of calling a special Session of the Assembly, if necessary, and thus give the Legislature an opportunity of recording its opinion and supporting them further in the event of the Bill passing into law. The Home Member promised to lay a report of the debate before the new Viceroy and the debate was adjourned *sine die*.

find the money and to pass any legislation that might be necessary on the findings of the Commission had been ignored. Mr Roy further complained that by the terms of reference the Government had tied down the Royal Commission too much. Mr Sethna was strongly in favour of the appointment of the Commission and he hoped that the papers asked for in the resolution would be published because their publication would convince the country that there was no ulterior motive behind the appointment of the Commission. Mr Sethna hoped that certain claims, such as those of the Forest Department and of the Textile industry of the country, would not be ignored in constituting the personnel of the Commission. Sir Muhammad Habibullah welcomed the resolution as giving one more proof of the earnestness which members of the Council of State had always evinced in the amelioration of the condition of the agricultural classes of the country and said that he had already laid on the table the correspondence which had passed between the Government of India and the Provincial Governments. As regards the correspondence which had passed between the Government of India and the Secretary of State the Member for Education, Health and Lands accepted the resolution. After giving the history of the stages which had ended in the appointment of the Royal Commission, Sir Muhammad observed that from the year 1923 definite resolutions were being moved in the Council of State pressing the need for a comprehensive investigation into the agricultural conditions of the Indian Empire and he asserted that there had been no disrespect shown to either House. Dealing with the complaint that land ownership, land tenure, assessments and land revenue, etc., had been excluded from the terms of reference, Sir Muhammad observed that these questions were so complex that it would not be possible for a Commission set up for a different purpose to bring under its ambit an investigation into questions bristling with such difficulties. Moreover these questions differed from province to province and even in different parts of the same province. Besides land ownership, land tenure and other cognate questions were already dealt with by the local Legislatures and it should not be within the purview of a Commission like the present to make definite recommendations on these questions. Similarly questions of land revenue assessment could not properly have been included within the purview of the Commission. The Member for Education, Health and Lands hoped that the fears of the mover would disappear and that he would see that the Commission would deal with questions if they felt that they were connected with some issues which they were investigating and for the determination of which they considered that evidence was necessary or had already been taken. The appointment of Members to a Royal Commission was entirely the prerogative of the Crown. Government would certainly endeavour that the constitution of the Commission was such as to contain members who would bring the requisite knowledge and experience to bear on the solution of the issues with which they were entrusted. Mr Ramadas Pantulu also complained that the Central Legislature had not been properly treated. Seth Govind Das observed that by excluding land revenue and land tenure Government had excluded the most vital parts of the question from the scope of the enquiry. Dr Rama Rao, Colonel Nawab Sir Umar Hayat Khan, Pandit Sham Behari Misra and Mr Manmohandas Rampi Vora supported the resolution. Mr K. C. Roy in his reply maintained that the Royal Commission should be allowed to go into the question of agricul-

tural indebtedness, land revenue and assessment The resolution was adopted without a division

On the 17th February 1926 Sir Charles Innes moved a resolution for giving further relief to the steel industry in India in the following terms —

“ That this Assembly recommends to the Governor General in Council that no action be taken on Chapters IV and V of the Report of the Indian Tariff Board, regarding the grant of supplementary protection to the steel industry, except that supplementary assistance should be given to the tin-plate industry in India, (a) by increasing from Rs 60 to Rs 85 per ton the specific protective duty on all steel tin-plates and tinned sheets including tin taggers, and (b) by reducing the duty on tin, block, from 15 per cent *ad valorem* to a specific duty of Rs 250 a ton ”

Regarding an offsetting duty on fabricated steel the Commerce Member acknowledged that since the Steel Industry (Protection) Act, 1924, was passed conditions had changed for the worse for the engineering trade In 1924, the Tariff Board had found, that the average price of fabricated steel was Rs 250 a ton and an *ad valorem* duty of 25 per cent on it amounted to Rs 62 The average price had since dropped to Rs 205 which meant that the duty payable had dropped to Rs 51 The engineering firms were therefore worse off by Rs 21 per ton and the question was whether Government should put into force the provisions of the Steel Act regarding offsetting duties The Tariff Board had proposed that the duty on fabricated steel should be raised from 25 to 32½ per cent but according to the Commerce Member the House had to decide whether there was any real and urgent need why the protection on fabricated steel should be so raised At the present time the engineering industry in India might be in a state of stagnation but the Commerce Member was not prepared to admit that it had anywhere been proved that that stagnation was in any way due to the pressure of imports from abroad, the stagnation appeared to be due to the general stagnation of trade The next summer the whole question would have to be reopened and Government were of opinion that the engineering industry might very well wait till then Coming to the tin-plate industry the Commerce Member said that the Tariff Board had recommended a rise in the duty on tin-plate to Rs 60 a ton, that is, from 10 per cent *ad valorem* to 15 per cent *ad valorem*, and that recommendation had been accepted by the House The question the resolution raised was whether any case had been made out for an offsetting duty, that is, for supplementary protection The encouraging start made by this industry in 1924 had been more than maintained, the quality of tin-plate turned out was good and the proportion of wasters was no higher than in Wales or America 2,900 Indians were employed in the works and 45,000 tons of Tata steel were likely to be employed in the works next year In deciding whether a case for an offsetting duty had been made out the House had to consider in the first place that there had been a drop in the price of sheet bar, the raw material of the industry, which had helped the industry, on the other hand, there had been an increase in the price of tin which had greatly handicapped the industry, and finally, there had been a very severe drop in the price of imported tin-plate The combined result of these three factors was that the Tin-plate Company was worse off to the extent of Rs 210 per 100 boxes as compared with the time

the Steel Act was passed. The Tariff Board had made some allowance for the fact that the price of imported steel might rise and their final conclusion was that the tin-plate industry was worse off by Rs 185 per 100 boxes and they had proposed an increased protection to the extent of Rs 38 a ton which should take the form of a rebate of duty on the tin used in the manufacture of tin-plate in the works. The value of that rebate to the Company would be Rs 9 a ton and the Tariff Board would make up the balance of Rs 38 by raising the duty on tin-plate from Rs 60 to Rs 89 per ton. In spite of their dislike of offsetting duties the Government had accepted the finding of the Tariff Board but they were not prepared to put the recommendations into force unless they were satisfied that there was a real and urgent need for so doing. The Government therefore proposed to modify the Tariff Board's recommendation, they did not wish to give a rebate of duty on the tin used in the Tin-plate Company's works to the Company and they would prefer that all industries should get the benefit of the reduction. They were not able to take off the duty altogether because that would cost Rs 15 lakhs but they would cut the duty down to half for all industries in India. Further they proposed to raise the duty on imported tin-plate not to Rs 89 a ton but to Rs 85 a ton whereby they expected to make an extra revenue which would be expended in reducing the duty on tin to Rs 250 per ton. Calculations showed that the bare working cost of tin-plate amounted to Rs 1,842 per 100 boxes, and the Government's proposals would give to the Tin-plate Company a price of about Rs 1,866, that is to say, they would just cover the cost of production in the industry. "We think that as they cannot cover their cost of production we ought to do this much for them pending the reconsideration of the whole question next year." Sir Willoughby Carey wanted the Chapter on Fabricated Steel also to be taken into consideration and the recommendations of the Tariff Board accepted. Mr B Das felt that if the Tariff Board's recommendations in Chapter V were not given effect to the idea of encouraging the purchase of Indian iron and steel would remain a dead letter except in so far as it applied to the purchase of Indian rails. Mr Jamnadas Mehta supported Sir Willoughby Carey's amendment. Mr Devaki Prasad Sinha urged that the agitation in regard to protection for fabricated steel was entirely fabricated. Sir Charles Innes repeated that the imports of fabricated steel were likely to be less this year than they had been last year and that the depression was not due to the pressure of foreign competition. He thought that protection of the kind demanded in the amendment would not do any good to the industries of the country and on the contrary would lead them into bad habits. The amendment was negatived without a division. Mr W S J Willson remarked that although Bengal and Madras Chambers of Commerce were inclined towards the proposal contained in the resolution the majority of the other Chambers were against it. By increasing the import duty from 10 to 15 per cent the country would be taxed roughly to the extent of Rs 50 lakhs per annum, and deducting from it the old revenue duty the proposal still amounted to a rise in the tax to the extent of Rs 25 lakhs and this was being done to protect an industry which was not a public industry. Sir Charles Innes observed that Mr Willson was maintaining the position he had taken up in 1924 against any protection to the tin-plate industry and the Commerce Member advised the House to give the Company just that

amount of supplementary protection which would enable it to survive for a year more Mr B Das moved an amendment raising the duty from Rs 85 to Rs 89 which was opposed by Mr Chaman Lall and the Commerce Member and negatived After Mr Jamnadas Mehta had supported the resolution it was put to the vote and carried without a division

A similar resolution was moved in the Council of State by Mr Chadwick on the 23rd February 1926 Sir Arthur Froom supported it in so far as it related to fabricated steel but he was unable to give his support to the recommendation regarding the tinplate industry which, he said, was a small industry and for which he saw no need for protection The resolution was, however, carried there without much discussion and without a division

On the 17th February 1926 Sir Charles Innes also moved a resolution in the Assembly —

“That this Assembly recommends to the Governor General in Council that he may be pleased to declare that sections 2 to 6 of the Indian Lac Cess Act, 1921 (XIV of 1921), which provide for the imposition of a customs duty on lac exported from British India, shall continue until the 31st day of December, 1931 ”

The Commerce Member gave the history of the Lac Cess Act which had been passed in 1921 empowering Government to impose a small cess of 4 annas a maund on all shellac and lac exported from India The reason for that legislation was the alarm of the industry and of the Government of India at the progress of synthetic substitutes for shellac The cess had been put on for 5 years and there was a provision in the Act that it could be extended with the approval of the Legislature The Research Association had managed to get a very suitable site from the Bihar Government, they had built a laboratory and had got a suitable staff, and if the Act was not continued the work so far done by the Research Association would be wasted Mr Venkatapatiraju strongly supported the motion and it was carried without a division A similar resolution had on the 10th February 1926 been moved in the Council of State by Mr Chadwick, supported by Mr J A Hubback and carried without a division

discussion on the resolution in which Dr U Rama Rao, the Maharaja-dhiraja of Buidwan, Sir Charles MacWatt and Colonel Nawab Sir Umar Hayat Khan took part. Sir Charles Innes observed that as worded the resolution would expect the Government to distinguish vegetable products imported for the purpose of being sold as artificial ghee or for adulterating pure ghee and vegetable products imported for the purpose of being sold as vegetable products, which was an entirely unworkable proposition. The Commerce Member recognised that Indians wanted pure ghee made in the ordinary way but he felt that it was most unlikely that people who adulterated ghee in India would adulterate it with comparatively expensive products. The main question, to the mind of the Commerce Member, was whether anything could be done to ensure the sale of pure ghee in India and this was a matter for the transferred halves of Local Governments. In practice all the Local Governments had taken power to deal with this evil and it was not open to the Government of India to issue instructions to them. They must leave the matter to Ministers to deal with it in consultation with their Local Councils. The resolution was, by leave of the Council, withdrawn.

A number of resolutions of financial interest were also moved. But before dealing with these it will be convenient to summarise here a resolution regarding banking legislation, which was

Banking Legislation

moved by Mr Haroon Jaffer in the Council of

State on the 10th March 1926. It demanded an inquiry into the desirability of legislating with a view to placing Indian banking on a sound footing and his object, he said, was to secure the removal of obstacles and the creation of favourable conditions for the healthy progress of banking in India. Recent happenings in Bombay had convinced Mr Haroon Jaffer that legislative protection was necessary for the good banker as much as for the good constituent of a bank. Mr Manmohandas Ramji Vora was doubtful if a case for an inquiry had been made out. Mr McWatters remarked that the two main aspects of the resolution were protection for the public and protection for the banks. The former was one which in the last two decades had been very much to the fore, as late as 1913 the Government of India had circularised Local Governments and commercial bodies on the question of introducing special legislation to control banking with special reference to the various mushroom banks which had grown up and were inviting deposits from the public. The war broke out and legislation was postponed. But the question was brought up again in 1920 at the instance of the Bengal Chamber of Commerce. A small Committee was set up including among others Mr R. D. Tata and Sir Dinshaw Wacha, that Committee had made certain suggestions which had been circularised to Local Governments and Chambers of Commerce and the replies received included a good many further suggestions, many of which went in the direction of closer Government control. The Bengal Chamber of Commerce which had taken the lead in reviving this question had advised the Government of India not to proceed with it at the time and their views had no doubt weighed with them. The second aspect, namely, protection for banks from the irresponsible action of their own members was a recent development. The Managing Director of the Central Bank had made certain complaints and proposed the imposition of various penalties. The Government of Bombay after consulting a number of mercantile bodies and banks in Bombay had pointed out that power existed under the Indian Penal Code to deal

with one of the evils and that power could be taken under the Articles of a Company to expel its undesirable members. As regards the suggestion that in order to prevent persons instituting vexatious proceedings and suits against companies, permission should be obtained from a Judge in Chambers before any such suit could be brought, the Government of Bombay were not prepared to accept it in full. The Government of Bombay had, however, made certain recommendations to the Government of India which they were unable to accept and their reply had only issued last July. The Secretary in the Finance Department added that there were gratifying signs in Bombay that public opinion had been aroused, that adequate support was likely to be given to banks against vexatious action. The Royal Commission on Currency would be reporting very shortly and the question of the position of the Imperial Bank, its relation to the currency reserves and the banking reserves of the country would be one of the most important questions they would be considering. Then the Royal Commission on Agriculture would be considering the very important question of long term credits. Mr. McWatters, however, had no objection to accept the resolution provided it was clearly understood that the Government of India did not intend to superimpose a further inquiry at this stage. The discussion of the resolution was thereupon adjourned.

On the 2nd February 1926, Mr. K. Rama Aiyangar moved the following resolution —

“That this Assembly recommends to the Governor General in Council that he be pleased to appoint a mixed committee of officials and non-officials to inquire into and report upon

- (1) the retrenchment in expenditure so far carried out in pursuance of the recommendations of the Retrenchment Committee and the reasons for not carrying out, if any,
- (2) the possibility or otherwise of further carrying out such recommendations or other retrenchment,
- (3) the possibility of wiping out the provincial contributions to the Government of India immediately, and
- (4) the scope to reduce taxation that has been imposed on the country since the commencement of the Great War, and if so, how the same may be started.”

The mover reviewed the finances of the country for the last four years and remarked that the actuals of 1924-25 would probably show a surplus of Rs. 14 crores while the revised Budget showed a surplus of Rs. 4 crores only. The civil administration expenditure had gone up by over $1\frac{1}{2}$ crores since the Retrenchment Committee had reported and so had the expenditure on railways, while the military expenditure was about Rs. $10\frac{1}{4}$ crores higher than the figure recommended by the Committee. The Viceroy and the Finance Member were trustees of the taxpayer and they should see why the recommendations of the Retrenchment Committee had not been given effect to. Mr. Rama Aiyangar wanted the committee to look also into the Meston Award and the report of the Taxation Enquiry Committee. Sir Basil Blackett felt that the mover was a little unfortunate in the date of his resolution because within a month the budget for 1926-27 would be presented and that would be a more convenient time to discuss many of the subjects which had been raised. The Finance Member disputed the accuracy of Mr. Rama Aiyangar's figures and observed that enquiries with regard to the scope for reducing taxation had already been conducted by the Taxation Committee whose report was soon expected to be out. Mr. Rama Aiyangar's

main contention was that the Retrenchment Committee had recommended certain reductions which had not been carried into effect, and the most effective answer to this had been given by Lord Inchcape himself in an interview to the "Times of India" on the 1st February in the course of which he had said that all his Committee's recommendations had been carried out most satisfactorily and that nothing could have been better than what the Government of India had done in that direction. Proceeding the Finance Member observed that the Inchcape Committee themselves had recognised that there must be some delay in giving effect to the recommendations, but as a matter of fact, by the end of the year 1923-24 the reductions had been brought into force to an extent greater than had been expected. The actual expenditure on the military budget that year was less than the Retrenchment Committee's figure of Rs 57½ crores and on the civil side too practically every one of the detailed recommendations had been carried out. The largest item in the increase of civil expenditure was the cost of the bounties under the Steel Protection Act and things that were definitely agreed to by the Assembly in pursuit of that policy. Retrenchment of the sort discussed in the Retrenchment Committee's report of 1923 was necessary to balance the budget and perhaps every twenty years or so it would be a good thing to have a committee to go through the expenditure of the Government and of course it was the duty of the Finance Department to keep staffs from growing inordinately and to prevent any kind of excrescence on the necessary expenditure of Government. But retrenchment for its own sake was not as a rule in the true interests of the country and the fact that pruning had taken place as recently as 1923 was a very strong reason for not appointing the committee for which Mr Rama Aiyangar had asked. The Finance Member assured the House that cuts in that part of the expenditure which was not directly connected with beneficial services had not been replaced but it had been one of the duties and privileges of the Finance Department to restore those cuts in their expenditure which had proved not to have been justified, where the results had been defective, where there had been actual loss of revenue or where the cuts had taken the form of a refusal of beneficial expenditure and had thrown back that expenditure for years. "Wise expenditure on sanitation and education," said the Finance Member, "if properly controlled and if really wisely spent, not only leads the way to improved social and economic and political conditions for the India of the future, and goes to help to train her citizens for the more responsible tasks which we are all looking forward to her undertaking in the near future, but such expenditure is actually an investment for the tax-payer." As regards provincial contributions the Government of India had repeatedly stated that their policy was to arrive at complete extinction at the earliest possible moment; but it did not mean that they were to wipe out the contributions and budget for a deficit or immediately propose central taxation. Sir Basil Blackett examined in detail the position of the expenditure and pointed to the continued reduction in the military expenditure since 1921-22 with the result that for the year 1925-26 it had come down to Rs 56 crores of rupees, in spite of the fact that it included several charges such as those for customs duty which had not been included at the time the Retrenchment Committee had reported. The hopes of reducing the military expenditure further of course depended on the disappearance of these temporary items, on the general question of fall in prices, and beyond

these there were small directions in which one could look to effect economies. But the big question was a question of policy and the Finance Member felt that it would not be very useful to have an enquiry by a committee of the kind suggested by Mr Rama Aiyangar. As regards the cost of collecting customs and income-tax the Finance Member felt that any reduction in those would simply mean a disproportionately larger reduction in the yield of taxation. Coming to the debt services and the expenditure on interest the Finance Member remarked that owing to the policy of an effective provision for reduction and avoidance of debt and to the improved conditions under which they had been able to borrow there was every hope of a continued reduction in the net charge for interest. As regards railways, while it was desirable that every possible economy should be effected the object of Government was not to make profit out of the railways for the benefit of the tax-payer but to run communications at as small a charge to the consumer as possible and therefore any retrenchment that might be effected would go not to the reduction of *provincial contributions but to the reduction of railway freights and fares*. The same was true of the post office. The conclusion the Finance Member had come to was that there was no need for a committee. Mr B Das and Mr M K Acharya supported the resolution. Mr H G Cocke thought that a continuous expert committee would be very valuable to the country and Sardar V N Mutalik supported that view. Khan Bahadur W M Hussanally supported the main resolution because he wanted to find ways and means to get rid of the extra taxation. Mr G G Sim complained that he was unable to understand Mr Rama Aiyangar's figures, according to which the receipts under railways had gone up by Rs 2 crores, the expenditure had risen by Rs 3½ crores and net receipts had consequently been reduced by Rs 1½ crores. He enquired how, if it was so, the enormous reserves of the railways had been accumulated? He also expressed his horror at the proposal that railway reserves should be diverted to other departments to be utilised for reducing provincial contributions. In so far as the committee proposed in the resolution would supersede the Standing Railway Finance Committee Mr Sim protested against it. An undertaking had been given by the Commerce Member and the Finance Member that all of Mr Rama Aiyangar's articles in connection with the Inchcape Committee's report relating to the railways would be examined by him (Mr Sim) and discussed in the Standing Railway Finance Committee, in accordance with that undertaking the matter had been gone into at great length and the Standing Railway Finance Committee had come to the conclusion that the economies effected by the railways were far in excess of anything the Inchcape Committee had contemplated. For the House now to pass the resolution would be to ignore the findings of the members of the Railway Standing Finance Committee. Lala Duni Chand supported the resolution. Pandit Madan Mohan Malaviya observed that a few years had elapsed, that conditions had changed, that prices had gone down but the military expenditure had not, as recommended by the Inchcape Committee, been reduced to Rs 50 crores. It was therefore desirable that there should be further examination by some very capable men to see whether the military expenditure could be further reduced. Similarly they could examine further possibilities of reduction and of wiping off the provincial contributions. Such an examination instead of hampering the Government would help them. Sir Purshotamdas Thakurdas opposed the resolution because he felt that most of the information could be obtained by means of questions or by

correspondence with the Finance Department, because it was for the Assembly and not for a committee to say whether a certain amount rejected by the Government out of the cuts recommended should be enforced or not, because no committee was required for wiping out the provincial contributions which depended on the balance being adequate for the purpose and lastly because whenever a committee was set up for the purpose of retrenchment it upset the working of every department of Government for a few months. After Mr Rama Aiyangar had replied to the criticisms, Sir Basil Blackett remarked that the impression left on his mind by the mover was that the only moment when a retrenchment committee would cease to be useful would be when there was no expenditure to be retrenched. Mr Cocke's suggestion meant that the Finance Department would be stronger if it had two or three more officials working there the whole time. "I think it might be possible to go into the question," said the Finance Member, "but is that retrenchment"? The business of watching for economy was the business of the Finance Department which it was continuously exercising and must exercise. The resolution was negatived without a division.

As foreshadowed in the Viceroy's speech at the opening of the Council of State the question of opium exports from India was raised in a resolution moved by Mr McWatters in the Council of State on the 16th March and by Sir Basil Blackett in the Assembly on the 18th March in the following terms —

Opium Policy

"That this Assembly recommends to the Governor General in Council that immediate steps should be taken to give effect to the policy of progressively reducing the exports of opium from India except for strictly medicinal or scientific purposes so as to extinguish them within a definite period."

In the Council of State it entailed no discussion and was passed without a division. In the Assembly it was heartily welcomed by Pandit Madan Mohan Malaviya and other speakers though it was also subjected to some criticism. Diwan Bahadur Ramachandra Rao remarked that if they did not have a policy in regard to the internal consumption of opium with a view to extinguishing its use finally in India except for medicinal and scientific purposes there would be a variation between their position in regard to other countries and their policy with reference to the state of things in this country. He also urged that international agreements should be brought up for ratification before the Assembly and enquired as to how the two crores of rupees which would be lost to the revenue would be made up. Sir Hari Singh Gour saw no moral justification for the sacrifice of this large revenue of the country without an assurance that the result for which the sacrifice was being made would be beneficial and without any guarantee from the countries concerned that they would second the efforts of the Government of India. Diwan Bahadur Rangachariar wanted that the steps contemplated in the resolution should be taken not immediately but as soon as the state of the finances permitted it. Mr Rama Aiyangar felt that if worked out properly the policy of the cultivation of opium and the restriction of its area could be so graded that the finances would not at all be affected by the loss of revenue which could be made up by other increases in the course of some years. The Finance Member recognised that at some future date when no longer getting Rs 2 crores a year as income from the exports of opium either the rest of their taxation must be higher to bring in a sum to the extent of Rs 2 crores more than if they had not given up their opium revenue or alternatively they must forego desirable expenditure to the extent of 2

crores But as far as the immediate future was concerned the problem was complicated by other considerations In the first place they had unduly large stocks of opium and in view of that fact alone they had considerably reduced the total area under cultivation and some further reduction would be necessary in order to pave the way for the ultimate extinction of exports During that time they would be using up the stocks and though their gross revenue from opium would be less by the amount by which they had reduced their exports, their net revenue would tend probably during the earlier years of the period to be rather higher than it would otherwise have been owing to the size of the stocks, in the immediate future therefore there would be no large loss of revenue as compared with what they were now getting, and the Finance Member looked forward to a position in which loss of opium revenue would not seriously affect their budget in the next two or three years The only answer he could, in the circumstances, give in regard to the provincial contributions was that he hoped that before they began to suffer seriously from the loss of opium revenue they would have arrived at a solution of the problem While Government proposed that the export of opium should cease except for medicinal purposes it did not mean that they were of opinion that opium ought to be used only for medicinal purposes The internal use of opium in India was quite a different question As to the objection that the policy had been adopted without the Convention having been brought before the Assembly the Finance Member remarked that the general question involved raised a larger issue than he was prepared at the moment to deal with but he claimed that in this particular case the Government of India had known long before the Convention had been accepted that the view of a majority of the House was in favour of the general lines of the policy Government were pursuing They could not therefore be accused of having pushed the House into an international obligation contrary to the views of the spokesmen of the country in the House As regards the position of the cultivator it was naturally a matter which the Government of India and the Provincial Governments had particularly in mind and it was because of their anxiety to do full justice to him that they had not felt it possible to fix a definite period within which opium exports were to be finally abolished The resolution was carried without a division

The interests of the poor and the labouring classes did not escape the attention of the Legislature On the 9th February Mr Ahmad Ali Khan moved that —

Reduction of Postal rates
 " This Assembly recommends to the Governor General in Council that the inland postal rate on postcards be reduced to 3 pies and on envelopes to 9 pies and that the Budget for next year, 1926-27, be prepared accordingly "

Mr K Ahmed and Mr K C Neogy supported the resolution Lala Duni Chand moved an amendment designed to reduce the price of envelopes to 6 pies Mr M K Acharya wanted to limit the motion to the reduction in the price of the postcards only Mr Venkatapatiraju moved the following amendment —

" That after the words and figures ' envelopes to 9 pies ' the words and figures ' when weighing one tola and 18 pies over one tola up to 2½ tolas ' be inserted "

Diwan Chaman Lall was in entire sympathy with the reduction of postal rates but he felt that they should not discuss a subject which could be more conveniently discussed a little later on during the budget He therefore moved that the debate be adjourned, but his motion was defeated by 45 votes against 39 Sir Bhupendra Nath Mitra remarked

that since this question was discussed during the debate on the Finance Bill a year ago, no new factors had arisen which would justify its reconsideration. He definitely repudiated that they were taxing communications and said that their policy, taken as a whole, was that the Department should not receive, carry and deliver letters, mails and telegrams of the Indian people at the expense of the general tax-payer. Dealing with the complaint that the postal branch of the Department was subsidising the telegraph and connected branches and that they were robbing the poor who were contributing to the postal surplus in order to benefit the rich who took advantage of the telegraph and connected services, the Member for Industries and Labour said that his view was that the various services rendered by the Department were so intimately connected with one another that they must look upon it as a whole and not deal with it in its several compartments. On the question of further economies, Sir Bhupendra Nath claimed that they had in fact given effect to all the Inchcape Committee's cuts and if since then there had been an increase in expenditure, it was obviously because there had been a growth in the Traffic and in the revenue. They had reached a stage where, taking the Department as a whole, the rates just sufficed to pay for the cost of the services rendered and it would not be an economic proposition to reduce the rates. The position in India was the same as in England where successive Governments had refused to accede to the reduction in the demand for postal rates to the pre-war level though they were in a much more favourable position than in India. Proceeding Sir Bhupendra Nath showed that the reduction of postal rates on post cards to 3 pies would entail a loss of revenue amounting to Rs 86 lakhs, the reduction of the postal rate on envelopes to 9 pies to a loss of Rs 85 lakhs, the reduction of the envelopes to 6 pies to a loss of Rs 170 lakhs, while Mr Venkatapatiraju's proposal would lead to a loss of Rs 139 lakhs. Lala Duni Chand's proposal would involve a loss of Rs 256 lakhs. The Member for Industries and Labour agreed that reduction in rates would lead to an increase in the traffic but he inquired if it would be possible to deal with the additional traffic with the present staff. He was of opinion that the additional traffic would be wholly unremunerative and would add to the loss. Mr Jinnah appealed to the mover not to press the resolution to a division but to withdraw it. He thought that when the budget was presented to the House they would be in a far better position to deal with the question. Mr K Rama Aiyangar saw no reason why Government should not accept the resolution. The Home Member felt that the general feeling was that the discussion was infructuous and if the mover was not prepared to accede to Mr Jinnah's well grounded appeal, he was prepared to move that the debate be adjourned. Further discussion of the resolution was thereupon adjourned by 49 votes against 15.

A resolution regarding the ratification of the draft convention of the International Labour Conference concerning Workmen's Compensation for Occupational Diseases was moved by Mr A. H. Ley in the Council of State on the 10th February 1926 and by Sir Bhupendra Nath Mitra in the Legislative Assembly on the 18th February 1926 in the following terms —

"That this Council having considered the Draft Conventions and Recommendations adopted by the seventh International Labour Conference recommends to the Governor General in Council that he should ratify the Draft Convention concerning workmen's compensation for occupational diseases."

In the Council it was carried without any discussion or division. In the Assembly Mr Joshi complained that the procedure which had been adopted in placing the conventions and recommendations was inconvenient for discussing the question, and Sir Sivaswamy Aiyer and Mr Chaman Lal supported this view. Mr Devaki Prasad Sinha thereupon moved that the consideration of the resolution be adjourned and though Sir Bhupendra Nath Mitra felt that the House had had the fullest opportunity for studying the subject as well as for moving amendments to the resolution, he was quite prepared to adjourn the debate to some other day. The debate was accordingly adjourned and the matter came up again on the 18th March 1926. Mr N M Joshi moved the following amendment —

“ That for the original Resolution the following be substituted

‘ That this Assembly having considered the draft Conventions and Recommendations adopted by the Seventh International Labour Conference recommends to the Governor General in Council that he should ratify all the draft Conventions, namely

- 1 Equality of treatment for national and foreign workers as regards workmen's compensation for accidents
- 2 Night work in bakeries
- 3 Workmen's compensation for accidents
- 4 Workmen's compensation for occupational diseases, and give effect to the recommendations concerning

(1) Equality of treatment for national and foreign workers as regards workmen's compensation for accidents,

(2) Recommendation on minimum scale of compensation,

(3) Recommendation concerning workmen's compensation for occupational diseases ’ ”

Sir Bhupendra Nath Mitra observed that in placing before the House all the various draft conventions and recommendations in a single resolution, he had more or less adopted the procedure followed in England. He agreed with Mr Joshi that they should take progressive action by means of legislation for the protection and welfare of the labourers but he differed from him in regard to the pace of the progress. In the last 5 years they had passed a number of enactments to protect and improve the welfare of labourers and they could not wholly overlook in this connection the effect on the development of their industries of an over-rapid progress in the matter of labour legislation. Mr Joshi wanted Government to ratify two other draft conventions. On the first of these, namely, the one relating to night work in bakeries, the Member for Industries and Labour observed that the draft convention admitted that in tropical countries night work in bakeries might be good for the health of the workers and he maintained that he was right in the attitude he had taken towards it. Coming to the draft convention relating to workmen's compensation, Sir Bhupendra Nath reminded the House that the Act in India had come into force from the 1st July 1924 and until they had gained fuller experience of its working and were in a position to judge how far it had achieved the end it had in view and whether there was need for a further advance in the conditions prevailing in India, they could not undertake an extensive revision of their law. In regard to the recommendations no action was required because their Workmen's Compensation Act made no distinction between national and foreign workers and because they could not accept the recommendation relating to the minimum scale of compensation without materially amending the existing Act. As

regards the third recommendation, part of it was covered by the Workmen's Compensation Rules and it was not practicable at present to give effect to the other part. The fourth recommendation relating to the adoption of a simple procedure for revising the list of diseases regarded as occupational was already met fully by the provisions of section 3 (3) of the Workmen's Compensation Act and no further action on Government's part was necessary. Mr B Das said that international and imperial conferences were of no use to India when the latter was servile to the delegates of the British Empire and had no status at those conferences. Mr K Ahmed moved the following amendment —

“ That at the end of the Resolution the following be added

‘ Provided that the benefits under the Convention are extended to Indian seamen ’ ”

Sir Bhupendra Nath Mitra could not see how this amendment could fit in with the draft convention, how seamen were connected with night work in bakeries or how seamen could be brought in at all when under the third draft convention it was expressly stated that it did not apply to seamen and fishermen for whom provision would be made by a later convention. He added that in any case Government proposed to adopt certain of the draft conventions as they stood. Both Mr Joshi's and Mr Ahmed's amendments were negatived without a division and the main resolution was carried.

Demands for excess and supplementary grants

On the 15th February motions for excess and supplementary grants were taken up in the Assembly. Sir Basil Blackett explained that the excess vote represented a failure by the Executive to observe the limits set by the Assembly in voting

Excess grants

grants for expenditure and in essence excess votes should not occur. The number of grants this year, however, was 6 amounting to a total of Rs 8,40,000 and was considerably less than 24 similar grants amounting to Rs 93½ lakhs in the year 1924-25 and 26, totalling Rs 493 lakhs in 1923-24. For this reduction the House and the Government were greatly indebted to the labours of the Public Accounts Committee whose work was one of the most important towards making the machinery of Government parliamentary in respect of expenditure and in establishing a central system of control of expenditure by a parliamentary body. Broadly speaking, each of these excesses was due to the unfamiliarity of Government servants with the conditions which had been brought into existence by the grant to the Assembly of the power of controlling voted expenditure and every effort was being made to bring that state of things to an end so that mistakes leading to excess votes might not occur. Mr Rangaswami Iyengar complained that the House had no control over the bulk of the expenditure incurred by the Government of this country, that doubts had been raised as to whether the Public Accounts Committee could go into non-voted expenditure and that there had been difficulties in regard to re-appropriation from one grant to another. Diwan Bahadur Ramachandra Rao suggested that the constitution of the Public Accounts Committee should be so altered as to secure some continuity of members and that the report of the Committee should be brought up before the House as a whole to enable the House to scrutinise and criticise every part of the report. Mr Rama Aiyangar complained that the difference

in budgeting of about Rs 3½ crores under revenue expenditure and of Rs 18½ crores under capital expenditure and more than Rs 2 crores under loans and advances showed that the Public Accounts Committee had not devoted the time the matter required. He suggested that the Public Accounts Committee should be divided into sub-committees to go into each Department. Sir Basil Blackett reminded Mr Rama Aiyangar that neither the Assembly nor any committee on which he sat was the sole executive authority in the country. The Finance Member denied that there had been any curtailment of the powers of the Public Accounts Committee and remarked that he had done his very best to secure that although, constitutionally perhaps, voted expenditure was the only part in which the Committee was directly interested, it should have the opportunity of scrutinising the non-voted expenditure as well. Dealing with Mr Ramachandiah Rao's suggestion the Finance Member said that his experience was that once in ten years the report of the Public Accounts Committee might come up for discussion in the House of Commons but it was not the regular practice for the report to be discussed there. Speaking for himself, the Finance Member said that if time could be found and a real debate could be arranged in the Assembly he would be the first to welcome it. Sir Basil agreed in the desirability of a continuity of the personnel of a committee of this sort and the desirability of this continuity had also been recognised at the Conference of Finance Members. The question of re-appropriation was undoubtedly difficult but every item of new voted expenditure which was not simply a continuation of the existing expenditure, if it was of any importance, was brought before the Standing Finance Committee. All the excess grants were agreed to without a division.

Then came the demands for supplementary grants. While these were being dealt with the question of the Indianisation of the Indian Stores

Department was raised by Mr B Das and Sir Bhupendra Nath Mitra explained that all the selections since the 1st April 1925 had been made with the help of a Selection Board and it was only on its unanimous recommendation that he had been compelled in certain cases to take Europeans. When the demand under Miscellaneous was taken up Mr Jamnadas Mehta moved its reduction by Rs 2,97,000 representing the expenditure on the South African Deputation, the Taxation Enquiry Committee and the Royal Commission on Currency. As regards the first of these, Mr Jamnadas Mehta objected to it because the Deputation had been sent without consulting the House. The Taxation Enquiry Committee had been appointed without consulting the House and continued in defiance of its repeated protests. The Commission on Currency and Finance had been appointed not only in defiance of the Assembly but in defiance of the Government's own promises. Mr Mehta was supported by Mr C S Ranga Iyer, Mr M K Acharya and Mr B Das. Maulvi Abul Kasem opposed the amendment because as regards the South African Deputation he felt that the Standing Emigration Committee had been consulted and the opposition against the other two items was a reflection on distinguished gentlemen. Sir Basil Blackett explained that the question of the Deputation to South Africa had been brought before the Standing Emigration Committee and individual leaders of the House had been consulted on the general question and the feeling then expressed was in favour of sending it. He asked the House to recognise that executive Government could

not be run by committees of this House or even by a committee of the leaders of the House. The function of determining the terms of reference and the personnel of a committee or commission was an executive function and the Executive Government could not in the interests of India tie itself by any promise to consult any particular individual or groups in advance in regard to either the terms of reference or the personnel. As regards the Currency Commission the Finance Member maintained that the Government had more than fully carried out their promise, there were four Indians on it whereas no previous Currency Commission had had more than one. Mr Jamnadas Mehta's motion was put to the House in three parts, that is, with specific reference to each of the three matters to which it related and each one was rejected without a division. Mr K C Neogy moved an amendment to reduce the demand under Miscellaneous by Rs 100 because he complained of the curtailment of the powers of the Standing Finance Committee. Mr Jamnadas Mehta supported Mr Neogy. Sir Darcy Lindsay said that according to his recollection the Finance Member had allowed full discussion on all the financial matters. Mr Venkatapatiraju complained that Sir Basil Blackett as Chairman had said on more than one occasion that the Committee was intended to look after financial problems and was not empowered to discuss the policy underlying them. Diwan Bahadur Rangachariar informed the House that in the Standing Finance Committee on which he had served they had oftentimes discussed questions of policy. Sir Basil Blackett mentioned the matters to which the complaint related and said that in these cases it had appeared to him that the best way would be to bring the questions before the House where they could be discussed as a whole and not to waste time in discussing them in the Committee. He denied that he had laid down any broad decision that the question of policy would not be discussed by the Committee. "I do not for a moment say that the Standing Finance Committee cannot discuss policy," said the Finance Member, "but when the matter is mainly one of policy, in many cases it is in every one's interest not to waste the time of the Committee but to leave matters to be discussed in the House." Mr Neogy's motion was negatived without a division. One demand for supplementary grant, namely, for Archaeology, which was made on the 18th March 1926 was, however, negatived. In asking for a sum of Rs 50,00,000 Mr Bhore emphasised the importance of archaeology and observed that it was for the House to consider whether the wonderful avenues which promised to lead to a knowledge of a period in human history possibly never before reached were to be seriously investigated. If any serious impression was to be made on the problems which had been raised by the Sind and Baluchistan discoveries it was obvious that much larger grants should be made available for excavation and that there should be some fixity and continuity about these grants. Government believed that the best way of securing this was by instituting an Archaeological Fund and they proposed to initiate it by a grant of Rs 50 lakhs. Owing to the very meagre progress which had been made in the past Government felt that justice would not be done to the cause of archaeological research unless a sum in the neighbourhood of Rs 2½ lakhs a year was made available for the purpose. It had therefore been decided to allot Rs 2½ lakhs and Rs 50 lakhs represented the capitalised value of the grant. Diwan Bahadur Rangachariar thought that the country needed money and the Rs 50

lakhs could be put to much better use than being devoted to archæology Mr Venkatapatiraju pointed out that the danger of the proposal was that instead of coming to the Assembly every year for the expenditure on the Archæological Department Government were taking the money once for all so that they need not have to ask from time to time for the sanction of the Assembly Sir Basil Blackett said that no grant for Archæology had been included in the demands for grants and he trusted that whatever view the Assembly might take of the motion it would not hesitate to provide Rs 2½ lakhs as an annual grant for next year What he wanted to see was a fund controlled by trustees and he believed that an Archæological Fund was a peculiarly suitable one to be conducted by trustees such as the trustees of the British Museum rather than by a hard-hearted Government Department The suggestion that money might have been spent otherwise ignored the fundamental point that it did not come into competition with expenditure of other kinds once they assumed that Rs 2½ lakhs was sufficient The opposition to the motion was also voiced by several other members including Diwan Bahadur Ramachandra Rao, Colonel Crawford and Sri Sivaswamy Aiyer and it was negatived without a division In all 23 demands were made and they were all agreed to with the exception of the one above mentioned

Before dealing with the Railway Budget for 1926-27 mention may be made here of the demands for supplementary grants in respect of Railways On the 8th February 4 Railway demands for supplementary grants came up One of these was for a sum not exceeding Rs 72,000 in respect of the Railway Board which was agreed to Another was for a sum of Rs 68 lakhs in respect of the Working Expenses—Administration Mr M K Acharya moved that this demand be reduced by Rs 37 lakhs which represented the money required for extending the Lee Commission's proposals to the officers of the East Indian Railway, Great Indian Peninsula Railway and Company Railways with effect from the 1st April 1924 The amendment was carried by 50 votes against 49 (Later on Sir Charles Innes announced in the Assembly that this cut had been restored by the Governor General in Council) A third demand for Rs 4,40,000 in respect of "Companies and Indian States' share of surplus profits and net earnings" and a fourth for a sum of Rs 25,50,000 in respect of "Strategic Lines Capital" were all agreed to

The Railway Budget

The Railway budget was presented on the 18th February to the Assembly by Sir Charles Innes and to the Council of State by Sir Clement Hindley After pointing out the improvements in the present budget over its predecessor Sir Charles Innes remarked that the Standing Finance Committee had been taken into the fullest confidence and acknowledged that in return it had been of very great assistance in framing the budget Each demand had received the approval of the Committee and the Commerce Member not only hoped that this would facilitate the passage of the budget through the House but he was legitimately looking forward to the time when the actual estimates, as in England, would ordinarily be accepted as a matter of course by the House and the voting of the demands would be regarded mainly as an opportunity on questions of policy and matters of general

The financial results of 1924-25 disclosed that the actual gain from commercial lines turned out to be 14½ crores representing a return on the capital at charge of State lines of 5.85 per cent, the contribution to the general revenues which was anticipated to amount to Rs 685 lakhs gross or Rs 561 lakhs net had actually been Rs 799 lakhs gross and Rs 678 lakhs net, and instead of the estimated figure of Rs 410 lakhs Rs 638 lakhs had been transferred to the Railway Reserves. According to the revised estimates for 1925-26 the net gain from commercial lines was Rs 10.45 crores instead of the estimated figure of Rs 10.80 crores. But the other figures had undergone considerable change and the gross receipts from commercial lines were expected to be Rs 99.81 crores which would mean a decrease of Rs 153 lakhs compared with the budget figure and the working expenses and interest charges would be Rs 89.36 crores or Rs 118 lakhs less than was provided for in the budget. Commenting on the revised estimates the Commerce Member explained that the figure of Rs 153 lakhs was a net figure, he expected a gain of Rs 26 lakhs under Interest on their Balances and Government share of profits from subsidised companies and the estimated gross traffic receipts were really down by Rs 179 lakhs compared with the budget. But this figure of Rs 179 lakhs again was a net figure, in coaching traffic they had done better than they had expected and the drop in the earnings had been entirely on goods traffic. The Budget memorandum showed that they expected their earnings from goods traffic to be down by nearly Rs 2½ crores. The only general explanation was, as the Acworth Committee had said, that "railway earnings vary abruptly from time to time in accordance with harvest results and trade fluctuations." Unfavourable weather conditions had wiped out almost the whole of the exportable surplus of wheat and the disappointing character of the wheat harvests was reflected in the railway returns. To take another instance, the year had been one of depression in the coal industry and this had also affected the goods earnings. The gross expenditure which was expected to be Rs 118 lakhs less than the budget figure was made up of working expenses, miscellaneous expenditure and interest charges. The decrease in interest charges was counter-balanced by an equivalent increase in miscellaneous expenditure and the reduction fell entirely under working expenses which was due to the fact that the Railway Board had been unable to utilise the provision for automatic couplers and they expected to spend only Rs 25 lakhs of the special provision made for repairs to rolling stock. On the other side there was the special provision of Rs 37 lakhs for the extension of the Lee Commission benefits to officers of the East Indian Railway and Great Indian Peninsula Railway and the Company Railways. The net result was that they expected to have a surplus of Rs 10.45 crores and the loss on strategic lines was Rs 168 lakhs. The amount for disposal therefore was Rs 877 lakhs and according to the system which had been adopted they expected to transfer to the Railway Reserves Rs 345 lakhs and to make a contribution to the General Revenues of Rs 532 lakhs. But this was a net figure and as a matter of fact the general tax-payer was really taking from commercial lines Rs 653 lakhs.

Coming to the Budget estimate for 1926-27 the Commerce Member expected gross receipts amounting to Rs 102.58 crores from commercial lines and gross expenditure, including interest charges, of Rs 92.13 crores. If these figures were realised the gain from commercial lines

would be Rs 10 45 crores and after deducting the anticipated loss on strategic lines the net gain would be Rs 871 lakhs. The General Revenues would take a gross contribution of Rs 760 lakhs and a net contribution of Rs 601 lakhs and Rs 270 lakhs would be transferred to the Railway Reserves. In making these estimates allowance had been made for certain reductions in freights and fares, for the fact that 264 miles of new lines had been opened in the year 1925-26 and it was expected to add another 240 miles in the coming year and that the Delhi-Umballa-Kalka Railway would be acquired. In estimating the gross expenditure the Railway Board had taken into account the increase of Rs 130 lakhs in interest charges, the increase due to larger appropriations to the Depreciation Funds, the increased provision for repairs to rolling stock, the larger provision for operating expenses other than fuel, and the fact that they hoped to effect a considerable saving in the fuel bill. Coming to the Capital Budget for 1925-26 the Commerce Member remarked that the approved programme provided for a capital expenditure of Rs 32 07 crores. Once a work was sanctioned it was desirable that it should be carried to completion as expeditiously as possible, but past experience had shown that the Railway Administrations had not been able to spend the full grant. It was therefore estimated that the actual capital expenditure would be Rs 19½ crores which would mean a lapse of Rs 3 40 crores, a lapse which compared favourably with that of nearly Rs 18 crores in 1923-24 and nearly Rs 17 crores in 1924-25. In spite of the changes which had been made and had borne fruit there was still room for improvement and it was hoped that in the future the actual capital expenditure would approximate more closely to the budget estimates. In this connection the Commerce Member announced that the Secretary of State had recently largely increased the powers of sanction of the Government of India. The Railway Administrations had proposed for 1926-27 an expenditure on approved works of Rs 34 58 crores on capital account but the Railway Board did not think that the actual expenditure would exceed Rs 22 crores which was made up of Rs 15 44 crores for open line works and Rs 6 56 crores for new construction. In addition Rs 4 crores had been provided for the purchase of the Delhi-Umballa-Kalka Railway. The general object of the expenditure on open line works was to make Indian railways better equipped to handle not only the existing traffic but also the natural expansion of traffic and the most striking item in the programme was the electrification of the railways in and near Bombay. Again they were laying heavier rails, doubling or quadrupling some sections and strengthening the bridges. There were also important schemes on hand for the remodelling of station yards and workshops. Finally there was a programme for making additions to rolling stock of which 547 would be lower class carriages. For new construction the Railway Administrations had asked for Rs 9 82 crores, Rs 6½ crores of which was required for lines under construction and the balance for new lines. The programme comprised more than 60 different projects covering more than 2,500 miles of new construction. The policy was that the Railway Board were willing to construct any new lines provided they would be remunerative and the practice was to draw up an annual programme of new construction on the basis of the co-ordinated recommendations of Local Governments and local Railway Administrations. The principal difficulty was that of spending the money, cutting rapidly sanctioned projects, but this was a matter of org

and there was reason to hope that before long considerable improvement would be noticeable. Dealing with the Railway Reserves the Commerce Member said that if their estimates proved correct they hoped to transfer Rs 3 45 crores and the Reserves would stand approximately at Rs 10 crores. In a commercial concern where receipts fluctuated widely with seasonal and trade conditions while the major portion of expenditure did not vary with the receipts reserves of this kind could only be regarded as inadequate for the purposes for which they were required. It might be argued that the wisest course would be to continue to build up the reserves in order that they might, as speedily as possible, be of sufficient magnitude to place the railways in an impregnable position. It must be remembered that as long as they were required to balance the budget and to pay a heavy contribution to the general revenues they had to confine their new construction to lines which could reasonably be expected to be remunerative within 5 or 6 years with the result that "development lines" must wait unless they could construct them by special arrangements with Local Governments. While the Commerce Member adhered to the opinion that they must continue to build up the reserves he said that they had had recently to consider whether they had not reached a position where they could safely afford to reduce the pace at which the reserves were being built up. They had been considering whether the general strengthening of the financial position of the railways in the last two years did not justify their making a beginning in the reduction of rates and fares and the improvement of services. The figures of 1924-25 like those of 1925-26 showed that taken as a whole the Indian Railways showed a steady increase both in the number of 3rd class passengers carried and in the earnings derived from the traffic, but the rate of increase was much smaller than it used to be and the Railway Administrations were inclined to take the view that some reduction in lower class fares would so stimulate traffic as ultimately to pay the railway. Six Railways had made or were about to make some reduction in their passenger fares and the immediate cost of these reductions would amount to Rs 111 lakhs, the cost of the reduction of lower class fares being put at Rs 84 lakhs. Some reductions were also proposed in 1st and 2nd class fares, the total cost of which would be Rs 12 lakhs. The possibility of further reductions would be considered in consultation with the Railway Administrations and in the Budget for the coming year allowance had been made for this possibility. In addition to the reduction of passenger fares it was proposed to reduce the freight on all coals carried more than 400 miles which would mean a reduction of freight amounting roughly to 10 per cent and would cost Rs 37½ lakhs a year. The Commerce Member claimed that they would now be carrying long distance coal at the lowest commercially possible rate. There was an element of risk in the course the Railway Board had taken but they felt that though this action might for a year or two diminish the amount they could add to their reserves the Board believed that it would pay them in the long run and would ultimately strengthen the financial position of the Railways. If the reduction of fares stimulated traffic they must be prepared to handle it and the programme for 1926-27 contemplated large additions to and renewals of lower class stock at an estimated cost of Rs 1½ crores. Looking back over the five years during which Sir Charles Innes had been connected with the Indian Railways he claimed that the Railways were better equipped to serve the commerce and industry of India than at any pre-

vious period of their history. The improvement in the financial position was most striking. Lord Inchcape's Committee had set the standard that they should aim at yielding a return of $5\frac{1}{2}$ per cent on their capital and they had calculated that that would mean a net gain to the State of roughly Rs 8½ crores from its Railway property. But as a matter of fact, in 1924-25 the net gain was Rs 11·7 crores and in 1925-26 it was estimated at about Rs 9 crores. If since the separation the revenue expenditure of the Railways had been relieved of the sinking fund payments amounting to more than Rs 2 crores, against it had to be set the Depreciation Fund which had resulted in an additional charge to revenue of over Rs 3 crores. "The results of these three years therefore," said the Commerce Member, "are not only in excess of the immediate results which the Inchcape Committee wished to see, but have even exceeded the figure which they suggested should be ultimately aimed at by the Railways." If there was one thing more than another to which the better prospects were due it was the convention of September 1924 and the second Assembly might congratulate itself on the fact that it would go down to history as the Assembly which had at long last placed the Railway finances on a proper basis. Again it was the second Assembly which had given them the chance of managing the Railways as they should be managed and the Commerce Member hoped that the Railway Board would at least be given this much credit that they were animated by a single-minded devotion to the interests of Indian Railways. "Already they are a property of enormous value to the State," concluded the Commerce Member, "we wish to make that property more valuable still. For my part, I shall always look back with pride and pleasure on my connection with the Indian Railways and my hope is that they will expand and grow and become more and more an efficient instrument of trade. For, believe me, Sir, the prosperity of India is in no small degree bound up with the prosperity of her Railways."

On the same day Sir Clement Hindley presented the Railway Budget in the Council of State.

The general discussion on the railway budget took place in the Council of State on the 20th February 1926. General satisfaction was expressed

with the position of the railways and Sir Charles Innes and Sir Clement Hindley were warmly congratulated on the results they had been able to

achieve. The wisdom of the separation of the railway finance from the general finances of the country was handsomely acknowledged and gratification was expressed at the improved finances of railways, at the proposed reduction in fares, rates and freights and at the provisions made for the remodelling of marshalling yards, the improvement of workshops, the strengthening of bridges, the electrification of lines in Bombay, the programme for increase in the rolling stock, the strengthening of the old and the opening of new lines and the arrangements made for the training of the staff, but the budget did not escape criticism. Mr J. W. A. Bell regarded that the Government of India did not sympathise with the need for rebuilding the bridge over the Hooghly in Calcutta. Mr Manmohandas Ramji Vora, Lala Ram Saran Das and several other members expressed their dissatisfaction with the appointment of the Rates Advisory Committee instead of a Rates Tribunal. Lala Ram Saran Das informed Government that the public expected a further reduction in third class fares and though he welcomed the reduction on

coal, he felt that Government should have brought the rates down to pre-war level. He complained—and in this complaint he was joined by Sir Umai Hayat Khan, Dr Rama Rao and others—that the progress made with the Indianisation of the railway services was not satisfactory. Lala Ram Saran Das also complained of the absence of waiting rooms for intermediate class passengers at a good many stations, of the absence of refreshment cars for Indian passengers, of the need for greater comforts for lower class passengers and of the increase in thefts on the railway platforms of small roadside stations. Sir Arthur Froom after examining the railway budget in some detail observed that the results of the past three years' working of the railways had exceeded the figures which the Inchcape Committee had suggested. The Maharajadhiraja of Burdwan felt that in view of the increasing motor traffic better arrangements were necessary and objected to the long delays in opening level crossings to motor traffic. Mr P C Desika Chari felt that the reduction in third class fares was no concession at all because neither the Southern Shan State Railway nor the Myohaung Lashio Branch extended to anything like 300 miles. Regarding the purchase of stores he complained that there was a tendency to prefer to go outside India or to give contracts to Europeans in preference to Indians and to purchase outside India goods which were available in India itself. Mr K C Roy endorsed the plea for the new bridge over the Hooghly and asked for more rapid Indianisation of the railway services. Mr Ramadas Pantulu did not understand why only Anglo-Indian journalists were invited to witness the opening of the Khyber Pass Railway and no Indian journalists had been asked. He saw absolutely no political disability for an Indian to be appointed to any position in the administration of railways and expressed his dissatisfaction with the progress of Indianisation. The policy of giving relief to long distance traffic was, according to Mr Ramadas Pantulu, calculated to favour the capitalist and the rich. He also criticised the railways in regard to their extensive purchases of foreign stores and stated that Indian Railways were run primarily for the benefit of the foreign capitalist. Nawab Mahomed Akbar Khan and Rai Bahadur Nalin Nath Seth also took part in the discussion. Sir Clement Hindley in replying to the debate observed that the question of the Howrah bridge was under the consideration of the Government of Bengal, but he was not prepared to extend very much sympathy to the people of Calcutta who would not make up their minds to build the bridge. Dealing with the criticism against the inadequacy of the reduction in the coal freights, Sir Clement Hindley asked the House to remember the very low rates at which coal was now carried and how difficult it had been to make the reduction which had been made. Regarding Indianisation the Chief Commissioner of Railways observed that the present course of training apprentices took them through all the workshops in the railways and gave them very varied experience, the training school at Chandausi was primarily for training the staff in their duties so as to make them more efficient and qualify them gradually for getting up in the service. A great deal had been done to improve the training of Indians as mechanics in the workshops and the recruitment of Indian mechanics. Technical schools and hostels had been built and Indians were now being trained at Jamalpur, Moghulpura, Kanchrapara and half a dozen other centres. Sir Clement strongly deprecated the statement that the policy laid down for stores purchase had been completely

ignored and maintained that the Railway Board were following out the policy laid down by the Stores Purchase Committee which had been embodied in the stores purchase rules. In the matter of reduction of fares and rates, in view of the possible difficulties in the future in finding the money necessary for their heavy obligations, the Board had gone as far as they could and as far as caution advised them to go. Sir Charles Innes protested against the remark that the policy of the Indian Railways was directed solely for the benefit of the foreign capitalist and relied on the Acworth Committee report in support of his view. He maintained that the Government of India and the Railway Board had made it their sole and single-minded aim to develop the railways to the best of their ability in the interests of India and in no other interests. Dealing with Indianisation, Sir Charles Innes observed that during the last few years there had been a considerable change. Excluding the Departments for which facilities of training did not exist in India, such as Carriage and Waggon and Locomotive Departments, in the last 5 years 65 per cent of the vacancies had been filled by Indians. All the higher appointments in the Railway Department were technical appointments for which special knowledge and special experience were required and they must give time for the policy of Indianisation to work out. But even in the Railway Board, there had been a great advance, last year they had 22 gazetted appointments and 5 Indians, this year they had 17 and 7 Indians, of the Directors under the Railway Board 2 out of the 5 were Indians. The Railway Member observed that these Indians had not been appointed to those particular posts because they were Indians but because they were considered to be the best men for those posts and he claimed that that was the only right principle to follow. Concluding Sir Charles Innes claimed that there were very few countries in the world which could show such satisfactory results from their railways as India had been able to do in the last few years.

The general discussion in the Assembly took place on the 22nd February 1926. Here also the Commerce Member and the Chief Commissioner of Railways were congratulated and satisfaction was expressed more or less on the lines of the discussion in the Council of State at the general features disclosed in the budget statement. Great emphasis was laid on the question of Indianisation and criticism was also directed in other directions. Diwan Bahadur T. Rangachariar felt that the budget as presented was too prosperous and unless they kept their property in an efficient condition by spending more than they did, they should later on be repenting. He felt that they were unduly relieving Revenue at the expense of capital, objected to the allocation rules and inquired under what authority they had been made. He pressed for the creation of a Member for Transport. Colonel H. A. J. Gidney pointed out that it was the duty of Government to insist on Company-managed railways reducing their rates in conformity with the reduction on State-managed Railways. He expressed his disappointment at what he called the halting policy in extending the hydro-electric method of traction to other parts of the country. He pressed the claims of the Anglo-Indians and observed that it was as unfair to discharge Indians and fill the appointments by Anglo-Indians as it was to do the opposite. Mr. Kasturbhai Lalbhai said that if they were to give that impetus to the trade which it needed, further reduction in the coal freights was desirable. He did not believe in half measures and

like the Rates Tribunal being merely an advisory body Mr Harchand-
 121 Vishindas felt that the very wide difference between the estimates
 and the actuals showed defective budgeting and complained that Sind
 had been neglected Mr H G Cocke said that in order to attain the
 construction of new lines mentioned in the budget greater use might be
 made of private contractors He hoped that the much desired develop-
 ment of railways would not be retarded by scrapping too many people
 with a vast amount of railway experience in this country He referred
 to the claims paid for the loss of or damage to goods and inquired
 whether the 57 lakhs paid out in 1924-25 was going to be materially
 reduced in 1925-26 He favoured the improvement of traffic facilities
 for third class passengers but in his opinion first class passengers should
 not be entirely neglected Mr Shanmukham Chetty criticised the con-
 vention on the ground that general revenues should not take so much
 out of the railways and hoped that a time would come when general
 revenues would be able to dispense with any contribution from the rail-
 ways He wanted to know whether the loading capacity of the trains
 was utilised to its fullest extent and did not think that a stores balance of
 14,06 lakhs was justifiable Mr Rangaswami Iyengar claimed that
 their fitness for taking charge of all other responsibilities was clearly
 established He urged on the Government of India the need for taking
 greater interest in the development of national or public assets in the
 provinces To his mind it was the duty of the Railway Board to come
 to the rescue of the District Boards and to tell them how best they could
 profitably use all this money and conserve and improve the resources
 which they had obtained by using this Railway cess Mr W S J
 Willson could not sympathise with the complaint against the increase
 of expenditure under Administration because he felt that if the adminis-
 tration was to be improved the cost of it could not be lessened He agreed
 with Mr Kasturbhai Lalbhai regarding the Rates Tribunal and hoped
 that it would have amongst its members men chosen from the commercial
 world Mr Mahmood Schamnad Sahib Bahadur, Mr K Ahmed, Mr
 Gaya Prasad Singh, Mr Narayan Dass, Lala Duni Chand and Mr B
 Das also took part in the discussion Mr Jamnadas Mehta suggested
 that the Members of the Standing Railway Finance Committee might be
 allowed, if they so choose, to be members of the local Advisory Com-
 mittees for the railway administration at whose headquarters they might
 be residing He complained that the budget statement did not contain
 the general accounts of stores He also complained of excessive control
 by the Secretary of State He remarked that it was not the capital
 alone which was earning, but the high rates and fares, the discomforts
 of passengers, the "blood" money which had been taken on account of
 higher rates and fares, sweated labour of the railway employees, etc
 After referring to the economies which had been made Mr Jamnadas
 Mehta felt that they had still to go on making retrenchments on account
 of various factors Mr K Rama Aiyangar argued that the Indian
 Railways were worth at least 2,000 crores and they took only 1 per cent
 of the capital at charge He urged the need for greater economy Deal-
 ing with the claim that the Commerce Member had been able to save 40
 crores during his administration of the last 4 or 5 years, Mr B Venkata-
 patiraju inquired if it was not after giving allowance for extra traffic
 that they had raised by increasing freights and fares to the extent of 120
 crores that they had shown 40 crores for depreciation, for reserve, and

for contribution to general revenues. He complained of corruption, wastage and leakage on the railways and remarked that if Government took the people into their confidence they would find that by working for six months they would be able to save 10 crores more both in revenue and in expenditure. After the results which had been obtained from the separation of the railway from the general finances, Sir Sivaswamy Aiyer wondered why this obvious course had not been followed long before. Mr. Joshi dealt with the grievances of third class passengers and urged that the object should be to secure the comfort and the happiness of the poorest classes of people in the country. Mr. Ranga Iyer declined to congratulate the Commerce Member, because in his time the expenditure on railways had increased by over 14 crores, the grievances of the railway employees had also been accumulating and Indianisation was proceeding at a snail's pace. He suggested that the Railway Board should take over inland waterways. Mr. M. K. Acharya asked for greater economy. Sir Charles Innes replying to the debate observed that there were constitutional difficulties in the way of the Government of India taking over inland waterways as they were entirely provincial subjects. Dealing with the complaint against the increase in administration charges, the Commerce Member pointed out that in that demand for grant there were a great many items which had not been included in 1922-23, such as charges on account of the Telegraph Department, on account of police, contributions to provident fund, gratuities and other similar expenses. The allocation rules, to which Mr. Rangachariar had taken exception, had been placed before the Central Advisory Council, of which he was a member in 1923. The Commerce Member claimed that with their depreciation fund they were in a far better position to keep their Railways in a proper state of repair than they had ever been in the past. The reduction of rates and fares was purely a business matter. The railways had found that at their present rates they were losing on first and second class passengers. As regards third class passengers, purely on economic and commercial ground there was not so much reason for reduction, but of the 124 lakhs they were now spending on the reduction of passenger fares, nearly a crore would be spent on the reduction of third class fares. Dealing with the complaint that Sind had been neglected because no provision had been made for the line between Karachi and Cawnpore, the Commerce Member explained that unless they were in a better financial position they could not take the risk of building unremunerative lines. Regarding the employment of private contractors the Commerce Member said that they were already experimenting in that way. The payments on account of compensation this year amounted to 40 lakhs and they hoped to reduce them further in the coming year. Sir Charles Innes said that there was a great deal to be said for the view Mr. Shanmukham Chetty had put forward for merely requiring railways to balance their budgets, to pay their interest charges, to build up reserves and to devote whatever else they could to reduction of fares and improvement in the services. Replying to Mr. Rangaswami Iyengar, Sir Charles Innes said that the policy which had so far been pursued in respect of railways had been very successful. Regarding the Rates Tribunal he hoped through this Tribunal to be able to shatter many illusions about their rates. They were perfectly prepared to have their rates investigated by a perfectly independent body in

order that the people of India might see that there was not one iota of truth in the charge that the rates were designed for the benefit of foreign trade. Replying to Mr Jamnadas Mehta the Commerce Member said that in regard to new lines the Secretary of State in Council had increased the powers of the Government of India from 12½ lakhs to 1½ crores and in regard to open lines from 20 lakhs to 1½ crores. Sir Charles Innes also promised to communicate to Agents of Railway Administrations the suggestion regarding members of the Railway Finance Committee being appointed *ex-officio* members of local advisory committees. Dealing with the charge that the prosperity of the railways in the last few years was not due to separation but to an entirely excessive increase in rates and fares, the Commerce Member claimed that in putting on the rates and fares he was at any rate acting on good authority, and he cited from the Acworth Committee's report which said that Indian railway rates and fares had always been among the lowest if not the lowest in the world. The Commerce Member said that one criticism was that they should run their railways not on business lines but on a humanistic basis. He however, felt that if they could work their railways on commercial lines they would keep in view what were after all the two main things efficiency and economy, and with these in the forefront of their aims, they would be able to do the best for the Indian consumer, the railway passenger, to offer him better service and to reduce rates. Concluding his speech the Commerce Member remarked that he was the only member on the Government benches who had sat there since the day the Assembly was first opened by the Duke of Connaught in February 1921 and he had received much assistance and co-operation from the Assembly in railway and commercial matters.

The demands for grants under Railways were taken up in the Assembly on the 23rd, 24th, 25th and 26th February and several items were sub-

jected to a good deal of discussion. When the Demands for grants for Railways very first demand relating to the Railway Board was taken up, Mr Jamnadas Mehta moved its omission. He criticised the administration of the Railway Board and complained in particular against the extension to the Company-worked railways of the Lee Commission concessions and against the slow progress of Indianisation. He was supported by several members. Mr Jamnadas Mehta's amendment was adopted by 51 votes against 48. The amount included in this demand was however restored by the Governor General in Council. Other demands similarly came in for criticism. For instance under Inspection Mr Duraiswami Aiyangar raised the question of the extravagant and defective inspection and wanted to reduce the grant by Rs 30 000 but the motion was negatived. Diwan Bahadur Ramachandrarao asked for a reduction of Rs 100 under this very demand because he was not satisfied with the investigations into accidents, but the motion was withdrawn. Not only did the points taken up in the general discussion form the subject of amendments for cuts but a number of other grievances inspired such motions. Sardar V N Mutalik for instance moved a cut of Rs 100 under Audit because he was not satisfied with the powers of the Public Accounts Committee. In short, cuts of nominal amounts were moved to draw the attention of the Railway Administration to particular grievances to ask for further information and cuts of substantial amounts were confined mostly to cases where it was desired to make an emphatic protest on a particular matter. Most of the motions were

eventually withdrawn and some were rejected. Besides Mr Jamnadas Mehta's motion omitting the grant under the Railway Board, the following cuts were carried —

- 1 Mr M K Acharya's motion under Working Expenses—Administration for a reduction of Rs 20 lakhs (protest against Lee Commission concessions)—carried by 60 votes against 46. This was restored by the Governor General in Council.
- 2 Mr Mahmood Schamnad Sahib Bahadur's motion under the head Working Expenses—Administration for reduction by Rs 1,000 (to draw attention to the process of Indianisation)—carried by 58 votes against 45.
- 3 Mr N M Joshi's motion under the head Working Expenses—Administration, for a cut of Rs 100 (to draw attention to the need for reduction of third class fares)—carried by 56 votes against 41.
- 4 Mr M K Acharya's motion under the head Working Expenses—Administration for a cut of Rs 100 (to draw attention to the failure of Government to redress the grievances of railway subordinates)—carried by 53 votes against 41.

General Budget

The Budget for 1926-27 was presented to the Assembly by the Finance Member and to the Council of State by the Secretary in the Finance Department on the 1st March 1926. In opening his speech, the Finance Member stated that in spite of the reduction in provincial contributions made in 1925-26 and the suspension of the cotton excise duty from the 1st December 1925 the realised surplus for the year was assured, and he informed the House that the Finance Bill would include a clause finally and entirely abolishing the cotton excise duty. He reviewed the actual figures for 1924-25 which showed a surplus of Rs 568 lakhs, that is, nearly Rs 169 lakhs better than was expected a year ago. The increase was chiefly accounted for by the saving of Rs 70 lakhs in the net military expenditure and an increase in the contribution from Railways amounting to Rs 114 lakhs. The former was due to decreases in expenditure on the purchase of stores and in payments to the War Office on account of claims in connection with the War expenditure. The latter was due to the fact that Railway traffic receipts in 1924-25 had exceeded expectations by nearly Rs 1½ crores on account of the heavy traffic in grain and cotton having developed earlier than was expected. There were considerable savings in working expenses.

Reviewing the year 1925-26, the Finance Member observed that the weather conditions had not altogether been favourable but luckily the monsoon rainfall was not entirely deficient. Indian trade and commerce during the year had, however, been less influenced by the internal than by the external conditions affecting the world trade. The fall in prices had been more marked than in the previous year and the general index figure had come down from 176 at the end of December 1924 to 163 at the end of December 1925. But apart from cotton the trade figures for the year had been satisfactory. India's total foreign trade in the first ten months amounted to Rs 496½ crores or only Rs 17 crores less than

in the corresponding period of last year. The visible balance of trade including private imports of treasure was in favour of India at the end of January to the extent of nearly Rs. 86 crores as compared with Rs. 10 crores a year ago. The rupee-sterling exchange had been persistently strong throughout the year and there was a remarkable absence of monetary stringency for which the authorities of the Imperial Bank deserve special thanks and congratulations.

Sir Basil Blackett then turned to the revenue and expenditure in the year 1925-26. The gross customs receipts were about Rs. 47.83 crores or Rs. 30 lakhs higher than the budget figure. Savings of Rs. 20 lakhs under refunds had made the net customs receipts altogether Rs. 1½ crores higher than the budget. Cotton excise duty had brought in Rs. 71 lakhs less than estimated and the yield from import duty on cotton piece goods was Rs. 1½ crores less. Increased receipts under protective duties and import duties on sugar were largely responsible for the total increase. Taxes on income stood at Rs. 110 lakhs less, salt receipts were Rs. 10 lakhs less, insufficient allowance having been made in the budget for the large accumulation of stocks following the reduction of the duty in March 1924. The net revenue from opium after deducting the expenditure on which there was an excess of Rs. 35 lakhs over the budget estimate was Rs. 224 lakhs or Rs. 48 lakhs higher. The contribution from Railways was Rs. 532 lakhs or Rs. 8 lakhs more. The main variations under other heads were an increase of Rs. 43 lakhs under Interest owing to higher rates for short money in London and higher cash balances of Rs. 46 lakhs for similar reasons under Currency from investments and Currency Reserves.

Dealing with the expenditure the Finance Member explained the variations in military expenditure the total for which was Rs. 56.28 crores or Rs. 3 lakhs higher than the budget estimate. Under Civil expenditure there was an increase on interest charges on permanent debt of Rs. 10 lakhs. Other variations were not of much importance excepting those under Posts and Telegraphs. The net receipts (being the difference between revenue and expenditure) from Posts and Telegraphs during 1925-26 were estimated at Rs. 77 lakhs more in the revised estimates than in the budget. Out of this Rs. 52 lakhs was due to the total value of Posts and Telegraphs stores transferred from revenue to capital in the accounts of the year being higher than anticipated. The results of the working of the Indian Posts and Telegraph Department during the year showed a nominal profit of nearly Rs. 18 lakhs, which included Rs. 8 lakhs on account of the correction of the previous wrong adjustment. In view further of the fact that expenditure on postal stations and stamps had been Rs. 10 lakhs less than the normal the true estimate profit was reduced to vanishing point.

The total revenue and expenditure in 1925-26 was thus expected to be Rs. 1,31.35 and 1,30.05 lakhs, leaving a surplus of Rs. 130 lakhs against Rs. 24 lakhs in the Budget. The Finance Member explained that this included 4 items in the nature of book-keeping transactions aggregating Rs. 123 lakhs which more than accounted for the increase of Rs. 107 lakhs.

The anticipated surplus would in the ordinary course be applied annually to the reduction or avoidance of debt, but the Government of India desired to place before the Legislature a proposal for the utilisation

of Rs 50 lakhs for the formation of an Indian Archæological Fund. The Archæological Department had found that they could not frame a considered programme for a period of years nor train young men as archæologists in the absence of the possibility of giving them security of tenure or employment. It was proposed that the Indian Archæological Fund should be started with a Board of Trustees somewhat on the lines of the Trustees of the British Museum and it was hoped once the Fund came into existence private subscriptions and donations would come in to increase its income. The income of the proposed Fund would be devoted to systematic and continuous archæological excavations. "The people of India are justly proud of their past," said Sir Basil, "and I feel sure they will welcome the establishment of this endowment for historical research."

Sir Basil Blackett then turned to explain the real improvement in the finances of the Government of India during the last few years as reflected in the figures of Public Debt and the debt position generally and in the story of the Government's ways and means operations. He explained that the Ways and Means Budget was intended to be and necessarily must be illustrative rather than exact. The figures brought together the net results of operations of very varying character all over India and Burma and in London. Those operations were only indirectly, if at all, under the control of the Government of India. Apart from the operations of Provincial Governments, the balances were affected by incomings and outgoings on account of various deposits, advance and other heads such as provident funds, etc. It was, therefore, neither possible nor desirable to attempt to lay down a rigid ways and means programme far in advance. He added that the question of improving the machinery for dealing with deposits and advances accounts and securing greater accuracy in the estimates of Provincial Government's transactions was engaging the careful attention of the Finance Department.

Turning to the conversion loan operations in 1925-26, he said —

"The decision to confine our market operations to the conversion loan in the summer of 1925 has been amply justified by results. In spite of heavy remittances in advance of requirements in London, we have been able to finance our outgoings in India without serious inconvenience, and without resort to the money market for temporary accommodation of assistance from the Imperial Bank in the form of ways and means advances. As the result of the conversion loan we have effected an annual saving in interest on the bonds converted of approximately Rs 18.7 lakhs, and in addition 4½ crores of the public debt have become subject to income-tax instead of being income-tax free. Moreover, apart from this considerable reduction in our annual charge for interest, we have reduced our liabilities for the repayment of maturing loans during the next three years by nearly Rs 29 crores, and in particular our liability in respect of the 6 per cent bonds maturing in September 1926 has been brought down from Rs 37.9 crores to 20.05 crores."

He next explained the ways and means programme of 1925-26 and 1926-27. During the former year the Government of India had reduced the market debt (net) to the extent of Rs 7½ crores and provided for a capital outlay of Rs 30 crores, including Rs 19½ crores for Railways and Rs 6 crores for Provincial Governments. During 1926-27 they were providing nearly Rs 24 crores for discharge of debt, Rs 7 crores for Provincial Governments borrowings and Rs 28½ crores for capital outlay including Rs 26 crores for Railways. To finance these demands they had obtained in 1925-26 Rs 6½ crores nearly from Postal Cash Certificates while other resources including the provision for the reduction or avoidance of debt and various depreciation and reserve funds amounted to

Rs 18 crores During the next year they expected Rs 4 crores from the Postal Cash Certificates, and Rs 22 crores from the new Loan, in addition to other resources, including those mentioned previously, to the extent of Rs 18 crores It was expected that the cash balances would be reduced by Rs 12 crores in 1925-26 and Rs 15 crores in 1926-27

In connection with the proposals for the new loan the Finance Member said —

“ We expect to confine ourselves accordingly to the issue of a rupee loan in the Indian money market for a sum not exceeding Rs 22 crores, of which Rs 20 crores will be for the renewal of the bonds maturing next September The net amount of new money required from the Indian market will not exceed Rs 2 crores, which is less than the amount needed to pay off external debt in London More than the whole of our new capital programme amounting to over Rs 35 crores will be financed without recourse to market borrowings It will be a matter for consideration whether at the same time as we issue our rupee loan we should offer a further opportunity to holders of bonds maturing after 1926 for anticipatory conversion, as we did last year ”

Sir Basil Blackett then proceeded to give comparative figures of variations in public debt in the last three years, and of quotations of gilt-edged securities in India and London in the same period, showing that the credit of the Government of India in London stood at the present moment considerably higher in the market in relation to that of the British Government and other gilt-edged borrowers than in 1914 or 1923 He commented on the unusual fact that the Government would at the moment at least have to pay a higher rate of interest for money in London than in India The Finance Member stated that it was not open to doubt that this improvement was due to the strenuous efforts made by the Government and the Legislature to restore and maintain a complete budgetary equilibrium and to the policy adopted in regard to the provision for the reduction and avoidance of debt and to strict adherence to the rule of borrowing only for clearly reproductive purposes He added —

“ I have more than once publicly stated my conviction that if India would only learn to use her potential capital in greater measure for productive purposes than she does at present—I do not mean merely for investment in Government securities—and by the development of the banking and investment habit would make available for remunerative expenditure in India a larger portion than she now does of the surplus which she earns annually by the export of her products, not only would an immense impetus be given to the commercial and industrial development of India's resources and new and attractive fields opened for the employment of her educated young men, but the process of converting external debt into internal debt could be very greatly accelerated In two years the taxpayer of India has managed, without increasing his external obligations, to purchase for his own use and profit the equity of the East Indian Railway, the Great Indian Peninsula Railway and the Delhi-Umballa-Kalka Railway Is not this an object lesson of what the future may have in store if we set our minds whole-heartedly to the development of our own internal resources by the wise application and investment of our own internal capital?”

The Finance Member referred to the need for combating India's un-economic tradition which did not recognise production and accumulation of wealth as being among man's legitimate aims and observed that if he had believed that India's adoption of the western economic doctrine would jeopardise the high achievements of India's speculative thought and sacrifice her spirituality to a materialistic and selfish creed, he would unhesitatingly range himself with the opponents of change But he did not think that the denial of all value to western endeavours to increase the production and accumulation of wealth was essential as a support to the Indian philosophy of life He said —

“ I hold that increased production and accumulation of wealth are a means in themselves indifferent, neither good nor evil—but an indisputable means towards

the attainment of a higher ideal, the broadening and deepening of life's meaning for the individual and still more for the mass of mankind. What matters essentially is the purpose with which they are striven after, and East and West alike can and ought to strive after them as a means to a higher end."

In connection with the policy of encouraging the investment habit the Finance Member referred to the Post Office Cash Certificates, the popularity of which had been very pronounced during the year and announced that as the present yield of 6 per cent compound interest was unduly high, the Government were considering the question of making some alteration in the terms while at the same time introducing new measures adding to their popularity and preventing any reduction in the yield from checking seriously the growth of the habit of investing in them.

the revised estimate for the current year. The taxes on income were Rs 16.15 lakhs or Rs 10 lakhs less and Salt Rs 6.90 lakhs or Rs 50 lakhs more. The net revenue from opium deducting expenditure was Rs 2.26 lakhs, practically the same as the current year. The contribution from the Railways was Rs 6.01 lakhs being based on actual receipts from 1924-25, which was a particularly profitable year. The working expenses of the Indian Posts and Telegraph Department for 1926-27 were expected to result in a loss of Rs 10 lakhs and in addition there was a loss of nearly Rs 7 lakhs on the Indo-European Telegraph Department. At this stage Sir Basil Blackett referred to the question of the reduction of postal rates and said that the previous cheap rates of postage to which India had been accustomed before the war were due mostly to the then low level of prices in India as compared with the other countries. Unless the future held out a prospect of a considerable further fall of prices—a development which would probably be undesirable in the general interests of India's prosperity—he thought that the day of the 3 pie postcard and the 6 pie letter was past beyond recall.

The total estimated revenue for 1926-27 amounted to Rs 1,33.43 lakhs against an expenditure of Rs 1,30.38 lakhs and the surplus was thus Rs 3.05 lakhs, out of which Rs 1.75 lakhs were disposed of by the abolition of the Cotton Excise Duty. After discussing briefly the special features in the estimates, the Finance Member stated that the Government of India had come to the conclusion that there was no undue risk in treating the whole surplus as recurrent and proposed to apply Rs 1.25 lakhs to a further reduction of the provincial contributions. The relief thus afforded would go to the extent of Rs 57 lakhs to Madras, Rs 33 lakhs to the United Provinces, Rs 28 lakhs to the Punjab and Rs 7 lakhs to Burma.

In conclusion the Finance Member referred to the work done by the Assembly in financial matters. He considered that the new arrangement for dealing with the Railway Budget was an outstanding feature of the work of this Assembly. It had cleared the path for a continuous programme of railway construction and rehabilitation and was the direct parent of proposals for the progressive reduction of rates and fares which had now been put in hand, while it relieved the general finances of an intolerable burden of uncertainty. The Finance Member asked those who professed unending dissatisfaction with the Reforms and denounced them as a sham and the Government as insincere and unresponsive, whether the financial story of the last three years justified depression or despondency. They had immensely improved their financial machinery, had progressed nearly half-way on the road to the extinction of the provincial contributions, had reduced the salt tax and had abolished the cotton excise duty. It was true that the weather conditions had on the whole favoured them and that the level of taxation was still high in comparison with 1914, though not in comparison with other countries. "But to me it seems undeniable that the association of chosen representatives of the people of India with the Executive Government and their constant interaction the one upon the other in the Assembly and the Council of State," said the Finance Member, "have enabled India to win through the inevitable discomforts of the period following the war with a measure of success that makes her financial position the envy of other nations and could

scarcely have been possible without the Reformed Constitution. The members of this House appear to me sometimes to fix their attention too earnestly on what are called political questions as to overlook the steady advance towards the goal of constitutional self-government which is being registered day by day in administration and in finance." The Finance Member concluded by saying —

"The Government of India and this Assembly have not always seen eye to eye on financial questions, but the record shows that we have worked together, not without reward, to establish a foundation of financial stability far more firmly based than when we began. We leave to the next Assembly the task of building on those foundations with the firm assurance that, though all the difficulties are not surmounted and though new anxieties may arise, they will not have to complain of our work of preparation and will find their financial heritage a source of strength in advancing to the solution of the political and constitutional tasks which await them."

The general discussion on the budget took place in the Assembly on the 4th March 1926. Though the 4th and 5th of March had been allotted for the purpose, the discussion was concluded by lunch time on the 4th, because the

General discussion in the Assembly
Swarajists had decided to abstain from taking any part in the discussion and the Independents did not avail themselves of the opportunity the general discussion always affords. As the official report shows, Mr. Harchandrai Vishandas who was the first member to get up "broke off abruptly on receiving a message and resumed his seat." Those who spoke congratulated the Finance Member on the very satisfactory state of India's finances which the year's budget disclosed. Rao Bahadur M. C. Naidu urged that Burma's financial position was worthy of immediate consideration. Colonel Crawford pressed for a reduction in the duty on motor cars. Dealing with the military expenditure he said if any reduction was wanted in the military insurance then they must eliminate some of the risks against which they were insured. Speaking as a representative of the Government of Bombay, Mr. Hudson pleaded the special needs of his presidency and remarked that even if the provincial contributions were wiped out altogether their complaint against the whole financial system would remain because it gave no indication that the Government of India were not more alive to the iniquities of the Meston settlement to-day than they had been 5 years ago. Nawab Sahibzada Sir Abdul Qayyum urged on the authorities the need for trying a new experiment on the Frontier namely, that of extending education. Dr. Datta inquired why there had been an increase under the Ecclesiastical establishment. Captain Ajab Khan hoped that in the Indian Army Service Corps the Indian element would be expanded and increased. His Excellency the Commander-in-Chief observed that the recurring expenditure in Waziristan had continued to decrease while the general conditions in which the troops were housed had sufficiently improved to enable them rather to modify the concessions which had been granted to the troops serving in Waziristan. Dealing with the reference which had frequently been made in the Assembly that Lord Inchcape had recommended 50 crores as the maximum of military expenditure His Excellency asked the House to remember that Lord Inchcape had realised that the Government could not expect to reach that figure unless there was a definite fall in prices and no such fall had taken place. Further, the Inchcape Committee had stated that they did not

consider that the estimates could be reduced to 50 crores unless there was a further reduction in troops and they had been unable to make any such recommendations. General Budwood emphasised that they had reduced the military expenditure by 32 crores during the last 6 years but it did not seem possible that they could reach the figure of 50 crores in the near future. His Excellency gave in detail the reductions which had been made in the British Cavalry Regiments, British Indian Battalions, the Artillery and the Indian Infantry. They had still further reductions in view, as each of the 6 battalions serving outside returned to India without being replaced they had to reduce a battalion from the Indian Army, and they thought it possible to reduce the battalion in the Persian Gulf. His Excellency was gratified to mention that owing to the great efforts made by their Medical and Regimental officers admissions to hospitals for malaria had been reduced by 9,200 men, giving a definite saving of Rs 1,03,000. The report of the Committee which had gone into the question of the auxiliary and territorial forces was under consideration and His Excellency hoped that they would be able to carry out a considerable portion of its recommendations. Regarding the Indian Navy, His Excellency remarked that patience would be required before they could possibly hope to see an effective Indian National Navy in being. As regards expenditure it was hoped that the recurring expenditure would not be much in excess, for some years to come, they hoped to meet whatever might be required to keep up the Royal Indian Marine and for the initial expenditure out of the sale proceeds of the Kidderpore Docks in Calcutta which had been placed in suspense account. Those who cavilled at what they regarded as excessive military budget, the Commander-in-Chief said, were ignorant of the fact that the military estimates had to bear a considerable number of items which one could not regard as of true military value. Mr H G Cocks referred to the popularity of the post office cash certificates and inquired why a smaller yield was expected next year. The general discussion on the budget terminated abruptly before lunch. Commenting on this the Finance Member said that he had realised that the Budget was a good one, but had not realised that it had such devastating beauty that it would render every one on the Swaraj and Independent Benches speechless. Proceeding to answer the criticisms which had been made against the Budget Sir Basil explained that in the matter of the post office cash certificates he anticipated some falling off in the receipts both on account of the increase in repayments but even more in view of the fact that they contemplated reducing the yield. In reply to Mr Datta Sir Basil observed that there had been no increase in the expenditure on ecclesiastical services, on the contrary there had been some definite decrease and they had been following up to the best of their ability the recommendations of the Inchcape Committee. In reply to those who advocated the claims of Bombay and had referred to the question of provincial contributions, the Finance Member observed that he was unable to make any promise as regards provincial contributions but the Government had set before them as their objective the abolition of these contributions at the earliest moment reasonably possible. He agreed that some revision of the arrangements arrived at in the Weston settlement must ultimately take place, but how soon that could be done was not a matter on which he would like to prophesy. Sir

Basil asked the House to remember that the worst sufferer in many ways under the Weston Settlement had been the Government of India. If they had been unable to reduce central taxation it was because of the Weston Settlement. Dealing with the need for reducing the luxury taxes the Finance Member showed that of the articles mentioned by Colonel Crawford, motor cars were the only commodities which were taxed at present on the luxury rate of 30 per cent. All others were taxed at 15 per cent except patent medicines which were spirituous. He recognised that the duties did increase the cost of living for people who could ill-afford any increase and he had carefully gone through the tariff schedules to see whether any taxes could be reduced. The Tariff Bill introduced by the Commerce Member dealt with some items that had come under scrutiny but for the time being no important reduction was possible. The duty on motor cars would no doubt be considered by Government in connection with the recommendations of the Taxation Committee.

When the Finance Bill was taken into consideration on the 15th March, general remarks on the whole budget were again offered among others by Mr K Rama Aiyangar, Mr Ahmed Ali Khan, Dr Lohokare and Mr K C Neogy. Opposition to the Finance Bill came from Rai Sahib Har Bilas Sarda because his province had not received proper attention from the Government of India and he had not had an opportunity of laying before them some of the grievances which called for redress and from Mr Mahmood Schammad Sahib Bahadur because he felt that the surplus ought to be applied to reducing taxes. Mr B Das complained of inadequate facilities for the training of Indians in the Imperial Bank and Colonel Gidney deprecated the exclusion by the bank of Anglo-Indians. Mr Kasturbhai Lalbhai expressed the very best thanks of the textile industry at the abolition of the cotton excise duty. Sir Basil Blackett justified his statement a year ago that he expected a further important reduction of military expenditure in 1926-27 by pointing to the figure of 54.88 crores as the estimated expenditure for the year and showed that Mr Rama Aiyangar's remark that military expenditure had risen was based on a figure in arriving at which he had included certain non-recurring items and had ignored certain figures on the other side. Dealing with the extra expenditure on equipment the Finance Member observed that since the war and particularly since 1923 they had been engaged in examining their stores accounts and the upshot of the inquiries was that something was wanting in the existing methods of keeping the stores accounts. Certain immediate shortages had come to light which they had had to make good, and that explained the special expenditure. Dealing with Mr Rama Aiyangar's challenge of the statement of the Commander-in-Chief that there had been no fall but a rise in prices, the Finance Member showed that there had been an increase during this period in prices of food grains and from the point of view of the Army this rise had been considerable. Dealing with Mr Neogy's complaint that the introduction of the charge for interest into the account of the post offices ought not to have been made without the knowledge of the House in 1921-22 and that it was not a justifiable charge, the Finance Mem-

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the charge had been included with a definite object, namely, of showing to the House and the country what was the true cost of the working of the post offices. The charge had not been introduced secretly but had been explained at the time, and it was a reasonable charge because if they wanted to know whether they were subsidising the posts and telegraphs or not, they must show interest in one form or another. It was untrue to say that the Imperial Bank was run entirely by vested interests and was not admitting any Indians into it because the bank had made very elaborate arrangements for training Indian officers, they had at least 300 of them in the service, and there was a waiting list of nearly 4,000 people. Until about six months ago Anglo-Indians had not been taken but on the attention of the Imperial Bank being drawn to the view of the Government of India the bank had agreed to treat Anglo-Indians as Indians for this purpose. In support of his claim that the provision for debt in the United States was on a considerably higher scale than in India, and to illustrate the importance of sound finance of America and in the United Kingdom was on a considerably higher scale than in India, and to illustrate the manner in which the market had referred to the figures indicating the manner in which the prices of 3½ per cent bonds 1935 had all gone up. The Finance Member asked the Assembly not to forget the silent revolution that had been taking place all through the Departments of the Government of India and all through the services. An increasingly large number of Indians had been associated with the Government of India in ever higher and higher positions of responsibility and were coming on in increasing numbers to higher posts, and when the Royal Commission did come it would find a very great deal to interest it on that side of the picture. The Finance Member complained of the way in which the opportunities for the discussion of the budget had been used. He suggested that the Assembly should have something much more organised in order that the House might in dealing with the demands for grants get closely into touch with the administration during the year, his hopes from the Member as to his administration during the year, his hopes and fears for the future and his general line of policy and at the same time get him to answer criticisms. If selected demands for grants were subjected to such treatment, it would do a great deal to bring the Government into touch with the House and with the people, make them responsive and even responsible, because the necessity of explaining themselves did involve a very considerable amount of responsibility, whatever the House might like to say to the contrary.

The general discussion in the Council of State took place on the 6th March. The Finance Member was congratulated on his third prosperity budget, the substantial improvement he had effected in India's financial position and in raising her credit, the abolition of the cotton excise duty and the further reduction which took place, Mr Haroon Jaffer, Sardar Charanjit Singh, Nawab Sir Umar Hayat Khan, Raja

Nawab Ali Khan, the Maharajahdhiraja of Buidwan, and the Raja of Bobbili, among others, took part. Sir Arthur Froom was glad that the Finance Member proposed to take up in connection with the examination of the report of the Taxation Inquiry Committee the question of relief for Bombay. Sir Sankaran Nair criticised the treatment meted out to the Madras Presidency and argued that in the face of the statutory obligation laid upon the Government to abolish the provincial contributions Government had not taken all the steps they should have to give up avoidable expenditure. Mr. Manmohandas Ramji Vora saw no warrant for the present figure of military expenditure. Mr. K. C. Roy appealed to the Finance Member not to take away the privilege he had given to the poor man in the post office cash certificates and in this demand he was supported by some members including Raja Nawab Ali Khan. Mr. Roy complained that the Executive Council of the Governor General was too small for a country like India and the pay of the Members was inadequate. He wished that the money reserved for the Archaeological Fund had been directed to some more useful object for the prevention and cure of diseases. He pleaded for the establishment of an Army Council for India because when that was done, he thought, civilians would be able to grapple with the problem in such a way as to secure the economical use of Army funds. Lala Ram Saran Das agreed with Mr. Roy that the money intended for the Archaeological Department should have been utilised for more useful purposes. He considered the military expenditure still high and complained that the Indianisation of the Army was going on at a snail's pace. He regretted that big canal projects in the Punjab were being held up because there was a dispute about the water supply in the rivers between the Punjab and the Bombay Governments. Mr. Ratansi Moraji also objected to the high military expenditure. Mr. J. E. B. Hotson entered his protest on behalf not only of Bombay but of all the industrial provinces whose rights had been injuriously affected by the financial arrangements which were made a few years ago and claimed that the demand for the revision of the Meston settlement and the Devolution Rules was based on the strongest and most truly national grounds. Sir Muhammad Habibullah, defending the grant for Archaeology, emphasised that the intention of the Department was to bring the best brains of India into line with this work and thereby stir up further interest in it. He reminded the House of the existence of the Indian Research Fund Association which was a large expert body, extending its operations throughout India and with members from all the provinces in India on its rolls. This association had already got an endowment fund of the face value of Rs. 52 lakhs, it got in the shape of annual interest a sum of nearly 2½ lakhs. Besides this endowment the Government of India were making large donations for the upkeep of the institution and during the next year they would be giving it a subvention of 6½ lakhs. Mr. G. S.

a sounder and more improved basis, because the Finance Member had tried to place the Indian debt position on a basis whereby their present internal debt would be greatly reduced and the external debt would gradually be liable to conversion into internal debt but of a highly productive character. This, Sir Dinshaw thought, made the present budget the third epoch-making budget in the annals of Indian finance. Sir Charles Todhunter said that the Meston award had never been given a trial and that the award which was so often criticised was not theirs at all but that of the Secretary of State in Council. The budget, he thought, could not properly be described as a surplus budget until the whole of the deficit that was met by the provinces had been wiped out. Sir Basil Blackett remarked that for the first time the discussion of the budget in the Council of State had been in an atmosphere of freshness and originality which it had lacked on other occasions when it came up in the House after it had been discussed in the Assembly. The Finance Member thought that the military expenditure must give them an adequate army, but they ought not to spend an anna more on the army than was absolutely necessary. If, however, they were to hope for a large decrease of expenditure they must look for it only in such items as the capitation grant, because, otherwise, apart from certain automatic savings, there was no room for any large decrease in military expenditure. Dealing with the figures in regard to stores, the Finance Member observed that it was certainly not satisfactory that they should have discovered so late that the stocks of stores held by the army were considerably larger than was shown by the figures compiled for the Retrenchment Committee. It was a mistake but it could not be suggested that such a mistake could never happen in a country where the executive was responsible to Parliament. Mistakes of this kind were not confined to the Government of India, but as a matter of fact it was not true that the figures given to the Retrenchment Committee were wrong. They were not complete, they did not include for example ordnance stores, clothing stores, etc. The Finance Member explained that within limits the fund for archæology was largely a book-keeping transaction, instead of granting $2\frac{1}{2}$ lakhs a year in 1926-27 and for future years, they would grant 50 lakhs and save themselves in 1926 and future years the charge on their budget of $2\frac{1}{2}$ lakhs for this special grant. Dealing with the charge that Madras was being iniquitously treated, Sir Basil inquired if Government were to do nothing for any of their research funds, for their Universities, for education in the North-West Frontier Province, for sanitation in any of the directly administered areas, until they had reduced the Madras contribution. If that was the claim of Madras any revision of the Meston settlement was hopeless. It was impossible to alter the present position without taking the 5 crores which stood between the Government and absolute equilibrium. They could only dispense with these 5 crores by a reduction of expenditure or increase of taxation. They were trying to meet the position year by year by a gradual improvement of revenue and a gradual reduction of expenditure. Mr. Hosson had asked not only for the extinction of the provincial contributions for which they must find 5 crores from somewhere, but further that they must find out of central revenues the amount required to give two at least of the provinces that share of the most elastic

revenues of the country which at present went to the Central Government. That proposal would increase the gap between them and the complete equilibrium from the existing 5 crores to something more. Sir Basil could not say that they would make a complete revision of the Meston settlement in the course of this summer but they did want to make an attempt to deal with the kernel of the grievance of Bombay, namely, its claim to a share in some of the more elastic revenues, and they proposed to deal with it during the summer in connection with the Taxation Committee's proposals regarding Devolution Rule 15. But it must be remembered that if each province pressed its own point of view and made no allowance for the difficulties of the others on the part of the Central Government, they would be talking indefinitely of revising the existing Meston settlement. Dealing with the attempt for a reduction of the general level of their import duties, the Finance Member hoped that they would be able in the light of the report of the Taxation Committee to make some progress during the year. Answering the criticism that the cotton excise duty had not been abolished in March or September 1925, the Finance Member said that they did not at the time possess a clear picture of the outturn of the year 1925-26 and there was a very real difference between the conditions in which suspension or abolition was refused in September and the conditions under which suspension was agreed to in December. In connection with the ways and means and debt portion of the budget, which was the most important because it dealt not with to-day or yesterday or to-morrow but with the condition of Indian finances for some years to come, the Finance Member observed that since the budget was announced the prices of the more important Government securities had gone up by a sudden jump, over Rs 1½ in one case. It showed the strength of the Government's financial position more than anything else and the improved credit which it yielded ought to have very considerable effect on the charge for interest the tax-payer would have to pay for years to come just as the improved credit they had already realised had reduced by nearly 3½ crores the charge for interest as compared with three years ago. The post office cash certificates had done very well in the current year and the Finance Member was anxious that they should not stop the very useful habit of investment among those for whom these certificates were intended. But it had to be recognised that the rate for these cash certificates must bear some relation to the rate for money generally in the market, otherwise on the one hand they would be competing unduly with the ordinary dealers in credit and the ordinary deposit and savings banks and on the other they would probably be encouraging people for whom the cash certificates were not intended to put their money into those certificates, with the result that they would be getting their money at 6 per cent from people who would probably lend it to them at 5 or something less if the cash certificates were at a more reasonable rate. Concluding the Finance Member thanked the House for the reception it had given to the budget.

The demands for grants were considered in the Assembly on the 8th, 9th, 10th, 11th and 12th March. The withdrawal of the Swarajists on the 8th March has been mentioned in an earlier portion of this publication and in so far

as the discussion was of a political character it has already been summarised. It remains only to point out that as usual cuts were moved for the purpose of eliciting information or for drawing attention to particular matters. For example, by means of a nominal cut under Customs Sardar Mutalik drew attention to the inefficiency of the administration of the Customs Department. By another motion he referred to the grievances of the assesseees of income-tax. Mr Rama Aiyangar gave expression to his objection against the combination of the Customs with the Salt Department. Maulvi Abul Kasem argued against the defective administration of the Income-tax Department in Calcutta. Dr K G Lohokare advocated the complete stoppage of opium consumption in India with a substantial beginning in the current year, and Dr Datta generally attacked the opium policy of the Government of India. Mr T Rangachariar pressed the need for education in forestry in the country. Mr B Das complained of the policy of the Government which did not adequately prevent floods and famines. The reduction of postal rates was demanded by means of a substantial cut under the Demand for the Postal and Telegraph Department and by means of a nominal cut. Mr N M Joshi referred to the grievances of the postal employees. By proposing a cut an attempt was also made to prevent Government from reducing the rate of interest on post office cash certificates. These motions were discussed at length, in some cases several members participating in the discussion. Some of the amendments were pressed to a division but all the demands for grants were agreed to.

To complete the budget mention might be made here of the Finance Bill which was introduced with the object of continuing certain provisions of the Indian Finance Act, 1925, which would otherwise cease to have effect from the 1st April 1926, to repeal the Cotton Duties Act, 1896, and to provide for the appropriation of certain monies for the purpose of the reduction or avoidance of public debt. Further provisions of the Bill included the continuance of the rates of salt duty, postage, income-tax and super-tax prescribed by the Indian Finance Act, 1925, and for the credit to revenue for a further period of one year of interest on securities forming part of the Paper Currency Reserve. The Finance Bill was discussed in the Legislative Assembly on the 15th and the 16th March, the first day, as already mentioned earlier, having been devoted to a discussion of the general features of the budget. On the second day the Bill was considered clause by clause and several amendments were moved. The main amendments were directed towards lowering the salt duty or obtaining a reduction in the postal rates and though some of these were pressed to a division, they were all negatived and the Bill was passed by the Assembly in the form in which it had been introduced by the Finance Member. The attempt to reduce the postal rates was repeated, though without success, in the Council of State and the Bill was passed by that House on the 22nd March 1926.

To summarize, the total revenue, the total expenditure charged to revenue and the surplus for 1926-27 as shown in the Budget Statement on the 1st March 1926 were Rs 1,30,42,96,000, Rs 1,30 37,65,000 and

Rs 5,31,000 respectively. The revenue figure included the following deductions on account of working expenses and refunds —

Working Expenses

	Rs
Irrigation	12,02,000
Posts and Telegraphs	10,53,17,000
Railways	68,81,00,000

Refunds

Posts and Telegraphs	5,60,000
Civil	2,48,71,000

TOTAL	82,00,50,000
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The gross revenue expenditure including working expenses and refunds was thus Rs 2,12,38,15,000 of which Rs 97,81,08,000 was votable and the rest non-votable.

The total amount of expenditure charged to capital and disbursements under other debt heads and the voted portions of these amounts as shown in the Demands for Grants presented to the Assembly stood as follows —

	Voted Rs	Non-voted Rs
Capital not charged to revenue	28,22,88,000	24,03,000
Transfers from Railway Depreciation Fund	8,50,00,000	
Disbursements of loans and advances	10,08,57,000	
TOTAL	46,81,45,000	24,03,000

The following reductions were made by the Legislative Assembly in the demands presented to it —

Expenditure charged to revenue

Demands	Amount Rs
1925-26	
49—Archæology	50,00,000
1926-27	
1—Railway Board	9,68,000
4—Working Expenses— Administration	20,01,200

Of the demands for the year 1926-27, the Governor General in Council has, under section 67A (7) of the Government of India Act, decided that the whole amount reduced under Demand No 1 and Rs 20 lakhs out of the amount reduced under Demand No 4 are essential to the discharge of his responsibilities.

As a result of the above changes the estimates of revenue and expenditure now stand as follows —

	Revised 1925-26 Rs	Budget 1926-27 Rs
Revenue	1,31,35,25,000	1,30,42,97,200
Expenditure charged to Revenue	1,30,04,87,000	1,30,37,66,200
Surplus	1,30,33,000	5,31,000

The total Revenue figure just given excludes working expenses of railways, Posts and Telegraphs and Irrigation Departments and Refunds of revenue. The gross figures of revenue and expenditure for 1926-27 are —

	Rs
Revenue	2,12,43,46,000
Expenditure	2,12,38,15,000
	<hr/>
Surplus	5,31,000

Legislation

Appendix I will show the Acts passed by both Chambers of the Indian Legislature during the Delhi Session 1926 and Appendix II the official and non-official Bills pending before the Council of State and the Legislative Assembly. Some of the important Bills might, however, be briefly mentioned here.

It will be remembered that during the Simla Session the Bill to define and limit the powers of certain Courts in punishing contempt of Courts was, in spite of some opposition, referred to a Select Committee. As reported by the Select Committee the Bill came up for consideration during the Delhi Session. Mr Rangaswami Iyengar did not like to extend to the Chief Court the same powers as the High Courts had under the Common Law of England and moved an amendment to this effect. The Home Member pointed out that the House had accepted the principle of the Bill when it was referred to a Select Committee and the Chief Courts which had powers of supervision and control should possess the powers now proposed to be given to them. The amendment was lost by 44 votes against 38. The Home Member moved an amendment in order to give the Chief Court the power of punishing contempt of Courts subordinate to it. Diwan Bahadur Rangachariar considered these powers exceptional. The amendment was also opposed by Sir Hari Singh Gour and Pandit Motilal Nehru and lost by 43 votes against 42. The Home Member objected to the limitation on the powers of the High Court, introduced by the Select Committee, restricting the fine to Rs 2,000, but his amendment to secure the removal of this limitation was lost by 49 votes against 40. Khan Bahadur W. M. Hussainally moved an amendment to raise the limit to Rs 5,000 but by 50 votes against 40 this amendment was also negatived. Mr Rangaswami Iyengar then wanted to add a proviso to the effect that the accused might be discharged and the punishment awarded might be remitted on an apology being made to the satisfaction of the Court. The Home Member accepted the substance of the proposal. The motion that the Bill be passed was opposed by several members including Pandit Motilal Nehru principally on the ground that in so far as jurisdiction had been extended to Chief Courts a new jurisdiction had been created. Diwan Bahadur Rangachariar pointed out that the unlimited powers of the High Courts and the power of imprisonment had been curtailed and substantial gains had been secured. Mr Tinnah saw no reason for throwing out the Bill, and he could not agree that everything must be destroyed. He denied that the Bill was a serious inroad on the

liberty of the people or the Press Finally the Bill was passed by 63 votes against 27

Another Bill which had excited a certain amount of opposition during the Simla Session, namely, the Bill to consolidate and amend the law relating to the naturalisation in British India of aliens resident therein, came up during the Delhi Session Several amendments were moved, but except for one which was accepted by the Government they were all rejected without a division The one which was accepted was moved by Mr B Dass to the effect that persons belonging to countries the laws of which did not allow equality of status to be given to Indians should not be given the privilege of securing in India the local naturalisation for which the Bill provides

A Bill which had been rejected during the Simla Session and was passed during the Delhi Session deserves special mention The Home Member re-introduced the Bill which was intended to restore the discretion of Magistrates to inflict simple or rigorous imprisonment in cases under section 109 of the Criminal Procedure Code The Bill was opposed by several members. The Home Member recognised that most of the opposition was based on the feeling that the power under section 109 had been abused He disavowed any intention of using section 109 against political offenders and urged that the abuse of a section was no ground for arguing against it The Bill had been brought in because the present position was subversive of jail discipline and was in every way undesirable Would they, asked the Home Member, under any circumstances carry a measure brought forward to meet a unanimous demand from the executive or were they entirely unwilling to assist them? The motion was carried by 52 votes against 45

Several Bills intended to give effect to certain recommendations of the Civil Justice Committee were passed into law The recommendations of the Indian Bar Committee also formed the subject of legislation and two Bills were introduced, one to define in certain cases the rights of legal practitioners to sue for their fees and their liabilities to be sued in respect of negligence in the discharge of their professional duties, and another to provide for the constitution and incorporation of Bar Councils in British India, to confer powers and impose duties on such Bar Councils and to consolidate and amend the law relating to advocates of such Courts The first of these was passed and the second was referred to a Select Committee

Certain doubts had been expressed as to the powers of the Provincial Small Cause Courts in regard to the attachment of immovable property and in view of the conflicting decisions on the question the matter had been considered in detail by a Full Bench of the Calcutta High Court which had held by a majority that a Court of Small Causes had such jurisdiction but was doubtful as to whether this was in conformity with the intention of the Legislature A Bill intended to remove the doubt and to make it clear that the Provincial Small Cause Courts had not the power referred to was passed

Attachment of immovable property

INTRODUCTION

Another Bill of importance was a Bill further to amend the Indian Divorce Act. This was intended to remove certain anomalies and difficulties of the present position. For many years the Courts in India had assumed that they had power under the Indian Divorce Act of 1869 to grant decrees for dissolution of marriage between persons professing the Christian faith even though they were domiciled outside British India. The validity of such decrees had, however, been questioned in *Keyes v Keyes and Gray* and it had been held that jurisdiction to grant decrees for dissolution of marriage was vested in the Courts of the country of domicile of the parties. The present Bill proposed to give effect to this view, that is, to restrict the powers of the Courts to grant decrees for dissolution of marriage to cases in which the parties were at the commencement of the proceedings domiciled in India. But that by itself would not be satisfactory. There were many people domiciled in England or Scotland who came to India and lived here for many years without abandoning their domicile. If those persons wished to obtain a decree for dissolution of marriage they would have to go to the High Court of Justice there and in the case of parties domiciled in Scotland to the Court of Sessions in that country. To meet this difficulty His Majesty's Government had decided to introduce legislation in Parliament which would confer jurisdiction upon certain Courts in India to make decrees for dissolution of marriage where the parties were domiciled in England or Scotland and with the passage of that legislation the difficulties which had arisen in the case of *Keyes v Keyes and Gray* would disappear.

Some Bills dealing with income-tax and tariffs also came up last session. Sir Charles Innes brought in a Bill to provide for the regulation of Insurance Companies. This was intended to meet the great growth of the insurance habit in this country and to enact that the law should regulate all forms of insurance carried on in India. When Sir Charles Innes moved that this Bill be referred to a Joint Committee Mr Jamnadas Mehta objected to the motion on the ground that the Bill being a controversial measure should in the first instance be considered by the Legislative Assembly in its own Committee. The Commerce Member withdrew his motion for the Joint Committee on an understanding being given by Mr Jamnadas Mehta that he did not mean to cast any reflection on the Upper Chamber. The Bill was later on referred to a Select Committee on a motion made by the Honourable the Commerce Member.

Another Government Bill which might be mentioned here was one which was adjourned from the Simla Session and passed during the Registration of Trade Unions Session. It was intended to provide for the registration of trade unions and in certain respects to define the law relating to registered trade unions in British India. It was discussed for several days and several amendments of far reaching importance were moved by one or other of the groups in the Assembly which have been interesting themselves in labour questions. Some amendments were accepted, some were carried and others were rejected. At one time it was thought that some of the amendments

were so vital that their passage or rejection might endanger the passage of the Bill from one point of view or another. But in the end a spirit of compromise prevailed and the Bill was passed in the form in which Government were prepared to give effect to it.

Most of the days devoted to non-official Bills were taken up by only a few members and owing to the discussion to which the measures standing in their names were subjected a large number of Bills standing in the names of several other members were crowded out. But on the 4th February a good deal of the business which had blocked the progress of several Bills was cleared and no less than 16 Bills were allowed to be introduced. A few of the non-official Bills which were either passed or with which some progress was made might be briefly mentioned. **Transfer of Property Act** Shri Hari Singh Gour's Bill to explain certain provisions of the Transfer of Property Act was passed though he felt that it would not go far enough.

His Bill to remove certain doubts as to the rights of a person to effect a transfer of property other than as provided in the Transfer of Property Act, 1882, could not be proceeded with because his motion to refer it to a Select Committee was thrown out. Shri Hari Singh Gour's Bill to make provision for the

Better management of charitable and religious property better management of charitable and religious property and for insuring the keeping and publication of proper accounts in respect of such properties met with a good deal of opposition and his motion that the Bill be re-committed to a Select Committee was rejected by 37 votes against 20. Mr Harchandrai Vishindas's Bill to consolidate and

Arbitration amend the law relating to arbitration in British India was circulated for the purpose of eliciting opinions thereon. **Bill to amend the Indian Registration Act** Diwan Bahadur Rangachariar's Bill further to amend the Indian Registration Act, 1908, as reported by the Select Committee, was taken into consideration and passed.

Conclusion

The Session concluded with a farewell speech delivered by the Viceroy on the 25th March 1926 at a Joint Sitting of the Council of State and the Assembly. But before summarising His Excellency's speech reference might be briefly made to a message of gratitude which the Council of State sent to their Excellencies the Earl and Countess of Reading. On the 17th March 1926 Sardar Charanjit Singh moved —

Message of gratitude to their Excellencies

"That this Council do convey to Their Excellencies the Earl of Reading, Viceroy and Governor General of India, and the Countess of Reading on the eve of their departure from India, the humble expression of the Council's grateful appreciation of and heartfelt gratitude for all that Their Excellencies have done for India."

The mover claimed that the expectations raised at Earl Reading's appointment to the Viceroyalty of India had only been equalled by the remarkable success he had achieved. He dwelt on the conditions under which His Excellency had assumed the Viceroyalty and claimed that through the wise and statesmanlike policy he had pursued, the situation had in all respects improved beyond all expectations. Her

Excellency the Countess of Reading had shown by her own munificence and personal influence her genuine sympathy and great solicitude for the amelioration of human suffering and the welfare of the women of India. Lord Reading would have a foremost place in the ranks of Indian Viceroys and it was remarkable that in all that His Excellency had done to satisfy Indian opinion he had also succeeded in cementing the British connection. Speaking specially as a Muslim, Mr Haroon Jaffer expressed his great debt of gratitude which the Indian Moslems owed to His Excellency for the manner in which the Turkish question had been settled and the interests of the Moslem minority in India had been respected. The Maharajadhiraja of Burdwan said that Lord Reading's great personality, charm of manner, personal fascination and great forcefulness were a great asset to India and in his departure India was going to lose one of its most distinguished Viceroys. Raja Sir Rampal Singh thought that the foundation which Lord Reading had laid had been laid with the best of motives for the uplift of India to a higher level and the Raja was also grateful for Lady Reading's genuine affection for and her sympathy with the women and children of India. Sir Arthur Froom felt that Her Excellency had never spared herself in promoting and forwarding any movement for the benefit of her own sex and for the benefit of the little children in this country and that Lord Reading had pursued his course in this country with a single-mindedness of purpose for the good and welfare of India. Nawab Sir Umar Hayat Khan, Nawab Major Mohamed Akbar Khan, and the Raja of Bobbili cordially associated themselves with the message. Sir Muhammad Habibulla laid special emphasis on the beneficent labours of Their Excellencies in the sphere touching the lives of the humblest in the land and he thought that those acts would endear them not only to those who had been direct beneficiaries thereof but to those who had come to know something of the depth of human sympathy that resided in the hearts of Their Excellencies. Speaking as an "absolutely free man" Mr K. C. Roy joined in the tribute which had been paid to Their Excellencies. His Excellency had promoted the cause of self-Government in this country in spite of many trying circumstances and had firmly laid the foundation of national defence. In Sir Dinshaw Wacha's opinion Lord Reading had contributed another and a brighter page to the many brilliant pages of British Indian history and Lady Reading had proved herself a typical English-woman of the deepest sympathy and solicitude for her Indian sisters and she was indeed the type of the holiest and divine womanhood. The President thought that the future generation would realise fully what they owed to Their Excellencies Earl and Countess of Reading. The motion was carried unanimously, all Members of the Council standing. His Excellency acknowledged the message through His Private Secretary and the following extract might be reproduced in full:

"His Excellency deeply appreciates the kind thought which prompted the Mover to bring this motion before the Council and is greatly encouraged by the warm support which so many Members accorded to it and the generous terms in which they alluded to his work. His Excellency observed that the Honourable Members in their discussion passed in review many of the most important measures adopted during his period of office and it is a source of deep satisfaction to him that his action and policy in these questions of the highest importance to India have merited approbation in the sober judgment of the Council of State. Her Excellency is also highly gratified by the kind references made to her efforts in the discharge of the duties of her high position in India. That her work on behalf of

the sick and suffering and for the welfare of the women and children of India is so gratefully appreciated by the Members of the Council of State is no inconsiderable recompense for her labours and she will treasure the recollection of the generosity of the words in which this appreciation has been expressed. I am to add that, on the eve of their departure and amid the sadness inevitable in separation from the interests of the past five years, Their Excellencies have been greatly stimulated and encouraged by the motion conveyed to them by the Council of State."

In bidding a very regretful farewell to the Legislature on the 25th March, His Excellency hoped that it would be chronicled by the historian that the foundation of responsible Government in India was well and truly laid during his Viceroyalty. During these years they had travelled along new and hitherto untrodden paths, often hindered by obstacles and beset with difficulties, and in the earlier days not infrequently within the sound of raging tempests without. They had not always been in agreement, occasionally His Excellency had felt bound to exercise the special powers vested in the Governor General, but he felt that that exercise was dictated solely by his conception of the solemn duties entrusted to him. "I have myself never failed to recognise", said His Excellency "that the differences between myself or my Government and Members of the Assembly have arisen from honest divergences of opinion mainly as to the methods to be pursued and as to the time of advance in the constitutional domain. There has been no difference in purpose, we have striven to attain the same end, the prosperity and happiness of India." His Excellency felt that the great importance attributed to the Reforms in England at the time of their inauguration and subsequently was not fully realised in India. In the language of His Majesty the King Emperor the new constitution had taken its place "among the great historical measures passed by the Parliament for the better government of India and the greater contentment of her people." After quoting from the special message which His Royal Highness the Duke of Connaught had delivered at the opening of the Legislature His Excellency said "I have had the support and encouragement of His Majesty's Government and though I have been associated with five Prime Ministers and four Secretaries of State for India during my term of office, there has at no time during that period been any change in the mainstream of this policy. There has been no desire to divert it from its channel or to alter its course, the goal of British policy remains to-day, subject to the fulfilment of the essential conditions by India, what it was when I assumed my office, that is, 'the progressive realisation of responsible government in India as an integral part of the British Empire'." Lord Irwin had also, prior to his departure, stated that it would be his endeavour to forward wholeheartedly the advancement of India towards full self-government on constitutional lines. His Excellency observed that no useful purpose would be served by disguising from themselves that there were inherent difficulties in adapting British democratic institutions to Indian conditions, but this must be confronted by India and her political leaders. The essential principle underlying British institutions was based on a fundamental unity of sentiment and on a general desire to waive the claims of individual or sectional advantage for the benefit of the common

momentous problem in the hope that Indian patriotism and Indian intellect would help to find a solution

His Excellency did not suggest that the constitution in its present form was perfect or that it would not require revision and amendment. This would form the subject of a great and momentous inquiry. The necessary conditions to insure the appointment of the agency for conducting the inquiry earlier than the statutory date had been too frequently stated by His Excellency, but his observations had been constantly misunderstood. "I have never required complete or abject surrender of any political party or section," said His Excellency. "I earnestly trust that my successor may be more fortunate than I in this respect and that he may find in the new regime that clear and unambiguous expression of goodwill and desire for harmonious relations which I have sought to obtain." It was fully acknowledged that there was a great change in the present atmosphere, peace reigned on the borders, internal disturbances had been set at rest, law and order had been vindicated and established, the financial situation had been stabilised, conditions had been created which gave fair prospect for trade and commerce in the development of India's resources, the anxieties of the Indian Moslem population had been allayed. Looking back over his Viceroyalty, His Excellency acknowledged the support the Indian Legislature had given in many important steps which had been taken in critical situations. "If credit is to be attributed to me in any degree for any of these results," added His Excellency "it should in fairness be very fully shared by those associated with me in the heavy burdens of the Government of India. No Viceroy can possibly have received more loyal and devoted service than I during these five years in which it has been my good fortune to have the great advantage of most skilled and capable assistance, not only from the Members of my Council but also from those who have otherwise been called upon to contribute to the administration." After referring to the feelings of regret with which His Excellency looked to his impending departure from India he observed "For the moment all controversies are forgotten. I think only of the many acts of thoughtful kindness and sympathetic friendship throughout our stay in India. Inevitably my thoughts turn to the generous assistance Her Excellency and I have invariably received from India from Members of the Legislature and from all classes of the public in our labours in the cause of suffering humanity."

"While I have been in India I have always striven to labour for her best interests. I have regarded myself as a link with her imperial connection charged with a mission to advance her greater destinies. I have kept an impartial mind, free from the trammels of parties or interests and fully pledged to the implications of her particular institutions. I may not have always succeeded, for human effort has its limitations, but believe me that to the best of my ability I have never fallen short in sympathy for India or desire to serve her. I take away most kindly recollection of her and she will always be in my thoughts. It is in this light that I would wish to dwell in your hearts as one who did his best to serve India."

India's Parliament.

PART I.

LEGISLATIVE ASSEMBLY

Wednesday, the 20th January, 1926

INAUGURATION OF THE FOURTH SESSION OF THE SECOND LEGISLATIVE ASSEMBLY

HIS Excellency the Viceroy with the President of the Legislative Assembly having arrived in procession, HIS Excellency took his seat on the dais

HIS Excellency the Viceroy Mr President and Gentlemen, let me welcome the Members of the Legislative Assembly to the labours of another Session. My usual practice at the beginning of a Session, as you are aware, is to address the Indian Legislature as a whole, but on this occasion the state of business does not warrant the summoning of the Council of State before the end of the first week in February, and in consequence I decided that I would not wait until then, but would arrange to meet the Members of the Assembly on the opening day of their Session and address them. I hope to address the Legislature as a whole later in the Session.

This is the first occasion on which I have addressed you since the election and appointment of your new President, and I take this opportunity of congratulating him on the very important office which he now occupies. He has my best wishes in the exercise of his functions and responsibilities. Let me also observe that he has my understanding sympathy. It may appear to some a light task to discharge these duties with an easy grace, but I realise, as I am sure the Hon'ble President has long since become aware, that no task presents more difficulty than to treat all Members sympathetically while displaying partiality to none.

Before passing to other questions I may observe that, anticipating the feelings of this Chamber, and, I believe, the feelings of all sections of the people in India, I sent a message to His Majesty the King-Emperor on hearing of Queen Alexandra's death offering him on behalf of India the deepest sympathy in his loss. Though the people of India were never privileged to see the late Queen Alexandra, I know that precious memories are treasured in India of her gracious actions as Queen-Empress and of her life of active sympathy with suffering humanity in later years. From the many messages which reached me from all quarters in India, I perceived that the news of her death was received with widespread sorrow by the Princes and people of India, and that universal sympathy went out to His Majesty in his bereavement.

I am glad to be able to inform you that friendly relations are being maintained with the Kingdoms of Afghanistan and Nepal and with our other neighbours upon our borders. Nothing has occurred to mar the general tranquillity of the situation with tribes upon our North-West Frontier and steady progress is taking place towards pacification in Waziristan.

I invite the attention of the Members of the Assembly to the interim report of the Indian delegation to the sixth Session of the Assembly of the League of Nations. The report appears to me to be of very special interest not only because of the business transacted at the last meeting of the Assembly of the League but also because the report strives to make clear the special interests of India in the League and the attitude which in the view of our delegates is best calculated to advance those interests and to give India a prominent position in the League. I think Members will welcome the statement in the report regarding the allocation of expenses and of appointments in the Secretariat of the League. A number of the suggestions made will require examination before decisions can be reached in regard to them but the report is a valuable document, well worthy of study.

As regards internal conditions in India, on the 14th of December last at the meeting of the Associated Chambers of Commerce, I passed in review at some length the general course of trade in the present year and made some observations on trade and industries and the general revenue conditions during the past five years. I need not traverse this ground again, since the war trade and industry, it is true, are suffering in every part of the world, but let me again express my conviction, based on a very careful scrutiny of conditions and I believe free from any undue optimism, that the change for the better in the past five years in India has been radical, the new tendencies appear to me to be salutary and conditions in my view are settling down to a stable situation favourable to slow but sure general progress in the course of trade and industry. In a vast country of the size of India and Burma, it is only rarely that seasonal conditions can be uniformly favourable to the operations of agriculture in every Province, and in the past season they have not been favourable everywhere, but there is no cause at present for general anxiety, though any conditions affecting agriculture prejudicially must always command very close attention, as it is the staple industry of the country.

When I last addressed you, I made some observations regarding agriculture, the research work conducted by the Central Government and the activities of the Provincial Governments and the need for co ordination of all efforts connected with this great all-India interest. Since then Government of India have been in communication with the Secretary of State who has always shown the greatest interest in agricultural problems in India and the Provincial Governments upon this important question, and after discussion with the Provincial administrations, I and my Government have made concrete proposals to the Secretary of State which His Majesty's Government have been pleased to accept and which I will now announce.

In our examination of the problem it appeared clear that striking progress had been made in recent years in promoting the science of agriculture and introducing improvements, and that both the central institutions in charge of the Government of India and the Departments in the Provinces under

the charge of Local Governments and their Ministers had every reason to be proud of the results of their activities and the sum total of their achievements. Nevertheless it seemed to be beyond dispute that in view of the great importance of the industry to India and of the large numbers of the population engaged in it, there was room for even greater and more extensive co-ordination of effort towards agricultural improvement. It would be clearly wrong to leave any possible step untried in making available to those concerned in the industry the fruits of the latest scientific and practical knowledge. Nothing which held out any promise of amelioration in conditions should obviously be left unexplored. It cannot be gainsaid that the average standard of production and the general level of rural welfare in India is lower than that prevailing in other countries where for some time past there has been marked concentration on agricultural problems. Agricultural practice also in many parts of India is admittedly still backward and primitive and the bulk of the agricultural population is generally unversed in methods of improvement found successful elsewhere. The situation evidently called for a remedy of a comprehensive nature, and measures for strengthening and expanding activities by co-ordination and for examining methods of applying the results of experience in other countries to the solution of our agricultural problems in India were patently required. We arrived at the provisional conclusion that it was unlikely that a Central Board of Agriculture in India could carry out the precise objects which must fall within the scope of such an inquiry, the latter to be successful must embrace a review of all the activities of the Central and Local Governments in connection with agriculture and scrutinise conditions from a new angle of view. It appeared to me and my Government that the requirements of the situation could only be met by the appointment of a Royal Commission, so constituted as to include members from outside India possessing knowledge and experience of agriculture in other countries together with members from India with local knowledge of agriculture and rural economy and in full sympathy with the Indian agricultural population.

The Secretary of State expressed sympathy with our provisional views and authorised us to consult Local Governments regarding the appointment of a Royal Commission and seek their advice regarding terms of reference. As regards the latter, the scope of the inquiry was a question of considerable importance. There was no intention to interfere with the control of the Local Governments over the subject of agriculture which in most of aspects is both provincial and transferred. The object in view was to supplement, not to curtail, provincial activities. Draft terms of reference were accordingly circulated for discussion which kept those essential points in view, while enabling a Commission to make recommendations which would be of value to the Ministers responsible for the administration of agriculture in the Local Governments as well to the Central agencies connected with agricultural research under the Government of India. Another class of subjects also entered into our consideration, during the examination of suggested terms of reference, in which Local Governments were primarily and directly interested and which had in a sense a definite connection with rural conditions. These subjects included questions connected with land-ownership and tenure, rates of land-revenue assessments and irrigation charges. It appeared undesirable and unnecessary to invite a Commission, primarily devoted to examination and report regarding agricultural improvement, to burden their inquiry by exploration into these subjects for the purpose of making recommendations regarding them.

The Local Governments' replies showed substantial agreement on the question of the necessity for the appointment of a Royal Commission and on the scope of the inquiry and the questions to be included in the terms of reference. In addressing the Secretary of State we also advised that the Commission be instructed to place themselves in communication with the Local Governments in their visit to a Province and to carry on their investigations and to take evidence in close consultation with the Ministers responsible for agriculture, the co operative movement and the other subjects coming under their consideration, and we made in addition some subsidiary explanations of the questions which in our view fell within the purview of the terms of reference we suggested. His Majesty the King-Emperor on the advice of his Secretary of State has now approved the appointment of a Royal Commission the purpose of which has to-day been announced in the following terms

" General - -

to examine and report on the present conditions of agriculture and rural economy in British India and to make recommendations for the improvement of agriculture and the promotion of the welfare and prosperity of the rural population

and in particular, to investigate—

- (a) the measures now being taken for the promotion of agriculture and veterinary research, experiment, demonstration and education, for the compilation of agricultural statistics, for the introduction of new or better crops and for improvement in agricultural practice, dairy farming and the breeding of stock,
- (b) the existing methods of transport and marketing of agricultural produce and stock,
- (c) the method by which agricultural operations are financed and credit afforded to agriculturists,
- (d) the main factors affecting rural prosperity and the welfare of the agricultural population and to make recommendations

It will not be within the scope of the Commission's duties to examine the existing system of land-ownership and tenancy, or of the assessment of land-revenue and irrigation charges, or the existing division of functions between the Government of India and the Local Governments. But the Commission shall be at liberty to suggest means whereby the activities of the Government of India may best be co ordinated and to indicate directions in which the Government of India may usefully supplement the activities of Local Governments "

The *personnel* is receiving the attention of the Secretary of State and will be announced later

In my view this decision embodies a measure of cardinal importance in the interests of the premier industry of India and of its people, the great majority of whom live directly by agricultural operations or by occupations connected with the disposal of agriculture produce. The purpose it has in view, I feel sure, will commend itself to every class and creed and to all shades of opinion in this country. Its mission is wholly beneficent. It can bring nothing but advantage to the country as a whole and to those classes of the people whose interests must always be of supreme importance to both the Central and Provincial Governments. If it results, as I trust it may, in bringing to many thousands of homes a somewhat greater share

in the wealth of this world, a higher degree of comfort and self-respect and a better basis for self-improvement and progress, I and my Government will be amply rewarded for our part in bringing it into existence

Let me now turn to a question which I know is uppermost in the minds of the Members of the Legislature and which is causing me and my Government most anxious thought. I need not recapitulate the whole situation as regards the position of Indians in South Africa, but I may observe that out of the total number of the Indian community in South Africa, about one-third, approximately 102,000, are South African born and are the descendants of indentured labourers in Natal who were permitted to settle in the country on the expiration of their indentures. These people have made South Africa their home. I need not refer at length to the disabilities which have been imposed upon Indians in South Africa and are already in existence. They are of a serious and varied nature and embrace galling social disabilities, restrictions on the acquisition of political and municipal franchise except in the Cape, regulations regarding inter-provincial movements, licensing laws and restrictions on the acquisition of land. There has been continuous progress in legislation in South Africa prejudicial to the position of Indians and tending to make it increasingly difficult for them to prosper or even to exist in the Dominion. Against this legislation, my Government has made repeated representations with varying degrees of success. In reply to an address recently presented to me by a deputation from South Africa I have dwelt on the representations made by my Government regarding past legislation in some detail and I need not traverse this part of the history again.

In addition to these disabilities, further anti-Asiatic legislation has been recently introduced and is now pending before the Union Parliament. The purpose of this legislation is to empower urban authorities compulsorily to segregate Indians and to confine their rights of trading and of acquiring property to the limits of the areas assigned to them. The Bill also contains further restrictive provisions regarding the acquiring or leasing of land outside the coastal belt in Natal, immigration, importation of wives and families and inter-provincial movements. The principle of segregation is not new. It was recognised by a Transvaal Act of 1885, but it was not rigidly applied. Such locations as arose as a result of that Bill led the Asiatic Committee to condemn the compulsory principle. Indian sentiment has always been strenuously opposed to compulsory segregation as inflicting a racial stigma. It is felt to be a breach of the Smuts-Gandhi agreement and a repudiation of a policy believed to have been established consequent on the recommendations of the Asiatic Enquiry Committee. The principle has been denounced by the Government of India, and in Kenya, His Majesty's Government have decided that it is not to be applied in townships. The Bill therefore contains what appears to my Government to be a radically objectionable principle, and the existing aversion to this policy has been intensified by the statement of Dr Malan in introducing the Bill in the Union Assembly last July when he said that the measure was based on the general proposition that the Indian was an alien element in the population of the Union, and that no solution of the question would be acceptable unless it resulted in a very considerable reduction of the Indian population.

I and my Government have kept His Majesty's Government in continuous and close touch with our general views regarding the position of Indians in the Union and this Bill in particular and with the strength of the feeling which the general disabilities imposed on Indians in South Africa and this measure in particular have evoked, we have also made it clear that we fully

sympathise with the sentiment which all classes in India have expressed on these questions

Since April last we have been in continuous correspondence with the Government of the Union regarding this legislation and communications are still passing, we have repeatedly pressed upon them the suggestion that the situation in our view calls for a Conference as regards their general policy towards Indians; in the alternative we invited them to make other suggestions likely to result in a permanent and satisfactory settlement. The Union Government have not found themselves able to agree to our proposals for a Conference, although they seemed inclined to agree to a Conference restricted to the consideration of a more effective repatriation scheme which in their words will result in "a considerable reduction of the Indian population in South Africa" and to proposals for the mitigation of economic competition between Indians and other classes in South Africa and they asked us to formulate concrete suggestions regarding the latter. We could not accept a Conference whose main object would be to reduce considerably the numbers of Indians in South Africa. We were however prepared to consider the possibility of smoothing any difficulties that may have been found in their existing scheme of purely voluntary repatriation and to make suggestions regarding vocational employment when we had sufficient data, but we asked for assent, before entering upon any discussion about voluntary repatriation or making suggestions regarding competition, to our sending a deputation to South Africa to collect information regarding the economic and general position of Indians in the Union. On November the 10th the Union Government acceded to this request and we forthwith despatched our deputation, the purpose of which has been announced and published. In sending the deputation, the immediate object we had in mind was the collection of information urgently required by us and we still kept in view the possibility of a Conference to which we attach the greatest weight. Some criticism was at first directed in India to the despatch of our deputation. This was chiefly based on the fact that news of the visit of a deputation of Indians from South Africa was received about the same time, but in fact our decision to send a deputation was reached long before the arrival of the first news of the deputation from South Africa which only came to us in a Reuter's telegram on November 19th just before it sailed. It was obviously desirable for us to take immediate advantage of the assent of the Union Government to the visit of our deputation. We desired in the first place to lose no time in collecting information which would enable us to deal with the suggestions of the Union Government. We were faced besides with this critical situation that it was contemplated in South Africa to proceed at an early date in the new year with this Bill, it was therefore essential that we should at once take steps to put ourselves in possession of facts which would enable us to make effective representations before the Bill passed to the second reading stage and became accepted in principle. The interim reports received from the deputation have given us valuable information, and the deputation has collected facts which have been most useful to us in our representations and may assist in suggesting eventually a basis for fresh proposals. We still do not despair of persuading the Union Government that there is the strongest ground for a Conference or in the alternative for an inquiry before further Parliamentary steps are taken in regard to the pending legislation. The deputation had to be hurriedly despatched, this was inevitable in the circumstances, and I cannot too

highly commend the expedition with which the members left India at very short notice and got to work on their task at a crisis when a delay of a few days even was a matter of very great moment Dr Abdur Rahman's deputation is engaged on a different task and is putting the cause of Indians in South Africa before the Government and the people of India on behalf of the section of public opinion in South Africa which it represents Its purpose is not therefore identical with the object of ours Moreover, the deputation from South Africa has been able to supply me and my Government with facts of considerable importance and to explain points which, in the absence of local information, may previously have been imperfectly appreciated or understood

The whole question at the moment is at the stage of negotiation Bear in mind that in our attitude towards the position of Indians in South Africa and to the principle of the latest legislation, I and my Government are at one with the general feelings in India You may have confidence that we are striving our utmost to find a basis of discussion with the Union Government before the latter are committed to the principle of the Bill The question has now to be dealt with in South Africa, and it must be remembered that the Government and the Ministry of the Union are responsible to their electorate, and that this legislation is regarded by them as domestic in its character We have never doubted the right of South Africa to guide the course of their own domestic and economic legislation, but in our view there are far wider considerations involved in this legislation than local economic policy alone In our opinion they have an important bearing upon the Empire as a whole The proposed measures are not in our view in accordance with those principles which bind the Empire together in community of sentiment, and we hope that this aspect of the proposals may yet commend itself to South African opinion Even on the narrower issue of economic necessity we believe, from the information now received by us, that the situation may be capable of adjustment in other ways Our negotiations are still proceeding and we shall continue to press our views to the utmost of our ability We cannot say whether we shall succeed in our endeavour but I hope that a cause which, as it appears to us, has reason and equity on its side will ultimately prevail Meanwhile I rely on the Legislature to give me and my Government their confidence and support in a question upon which they are aware that our sentiments are agreed, and especially to remember, as I gratefully acknowledge they have hitherto borne in mind, that we are still in the course of negotiation with the Government of the Union in whose hands the initiative in conducting their own legislative programme lies The principle of the Bill has not yet been finally accepted, and I hope that a basis of discussion with the Union Government may be arrived at which will give opportunity of stating and proving our case before any question arises of proceeding with that stage of the legislation

To-day I shall refer to a few only of the many questions about to engage your attention during this Session

The abolition of the cotton excise duty has always excited the lively interest of the Indian Legislature and naturally because all shades of opinion in India are agreed as to the necessity for the abolition of the duty My Government have always stood by the pledge given by Lord Hardinge that the duty would be abolished when financial considerations rendered this action possible When this Assembly again discussed this question

last September and passed a Resolution in favour of the suspension of the duty with full cognisance that suspension would involve abolition, my Government were not prepared on the insufficient data regarding the financial situation available at that time to commit themselves to action which must be followed by the abolition of the duty in the ensuing budget. By the end of November, however, when the prospects of the year were more fully declared and more detailed estimates were available of financial probabilities, it appeared to my Government that no serious financial risk would be incurred by suspending the duty, and I took steps forthwith by the issue of an Ordinance, bearing in mind the desire expressed by the Chamber in their Resolution of September last, to suspend the levy and collection of the cotton excise duty with effect from the 1st of December, at the same time I announced that it was the intention of my Government, unless the financial position disclosed in the budget estimate for next year substantially failed to confirm anticipations, to place before the Legislature at the next Session proposals for the abolition of the duty. It has been asserted that my Government could not accept immediately the proposal of the Assembly in September because the Secretary of State was opposed to it. There is no foundation for this statement. The decision was that of my Government based upon financial considerations only. The proposal to suspend was not submitted to the Secretary of State until November when we had more reliable data upon which to base our conclusions. As regards the issue of the Ordinance suspending the duty, I may explain that I held myself entitled to pronounce that an emergency justifying its issue had occurred because of grave difficulties confronting the cotton industry at the time, because of the pledges given by my Government to do away with the duty at the earliest moment financial considerations permitted, and because of the views in favour of early action so clearly expressed in this Chamber in the September Session. It is a source of satisfaction to me to have been able to take the first step towards the elimination of an impost which public opinion in India has so universally condemned. It will rest with the Legislature to give sanction to its permanent disappearance. From the course of the September Debates I and my Government understand that the Assembly have approved of the principle that the abolition of the excise duty should take precedence over the remissions of Provincial contributions. I mention this point that there may be no misconception as regards the consequence of the action of the Assembly.

From my discussions on legal affairs while I have been in India, I have been greatly impressed with the very high regard and esteem in which the Judicial Committee of His Majesty's Privy Council are universally held in this country in connection with their Indian appellate work. Full credit for this public opinion is due in no small measure to the two distinguished Members of that Committee who have brought their experience and knowledge of Indian law to bear upon the problems submitted to them. I and my Government share the general opinion of the very valuable services rendered to India by these two Members of the final Court of Appeal, and we desire to ensure that India shall continue to benefit in the future from a system the advantages of which have been so unmistakably demonstrated. In order to perpetuate the benefits of the scheme it is desired in future appointments to secure persons from India of eminent qualifications as regards knowledge and experience of Indian law and practice. It is necessary to offer adequate emoluments in order

to obtain men of this capacity and it is suggested that in future appointments the emoluments of the two Members shall be fixed at £4,000 each per annum, half of which shall be a charge on Indian revenues. During the period that the salary is paid, any annual pension payable to these persons from Indian revenues shall lapse. Proposals which follow the lines I have mentioned will be put before you during the Session, and if they are approved, the future steps necessary to give effect to them will be taken without delay. I believe that the proposals will give India most valuable judicial facilities at a cost which is small in proportion to the admitted benefits to be enjoyed under it.

The Assembly have always taken a lively interest in our railway policy. In my recent review of the general conditions of Trade and Commerce in India I was able to show the very satisfactory results which have arisen from the re-organisation of the Railway Department and the separation of the Railway from general finance. I have previously expressed my appreciation of the same view taken by the Indian Legislature in regard to those changes which have been amply justified by the results. I am glad to be able to inform you that the Railways have been able satisfactorily to consolidate their financial position, and it has become possible to make a beginning in the direction of reducing rates and fares, concrete proposals are under consideration which it is hoped may shortly be put into effect. It is also now possible to take up another of the recommendations of the Acworth Committee and to establish some form of rates tribunal to adjudicate upon disputes between Railways and the public on questions of rates and fares levied. A Rates Advisory Committee will be set up for the purpose of investigating complaints of this nature and of reporting to Government upon them. The *personnel* of the Committee is now under consideration and it is hoped that the Committee will commence their duties at an early date.

Gentlemen, you will doubtless remember that when I last addressed the Legislature I laid special stress upon the important pronouncement of Lord Birkenhead in the House of Lords, which followed the series of Conferences between him and me. I then dwelt upon the message of sympathetic encouragement the Secretary of State, speaking on behalf of His Majesty's Government, had sent to India. I endeavoured to convey to the Legislature the impressions I had formed during my visit to England, and to reproduce to them the sentiments of friendship and good-will that prevailed among the British people generally, and among all political parties in the Imperial Parliament. I strove on my return from England to persuade the political leaders of India to grasp the hand of friendship and good-will held out to them and to abandon the attitude of threat or menace. I sought to convince them that this was the surest and the quickest way for India to travel along the road to her ultimate aims and aspirations. I asserted my own emphatic opinion to this effect as the result of observation during my stay in London. I quoted the Secretary of State's words, and they are worth repetition. He said—

"We desire and request good will nor shall we be niggardly bargainers if we meet with that generous friendship which is near and dear to our hearts."

In order to refresh your memories, let me quote one passage from my own speech in August last, when I was in London. I mentioned the possibility of the appointment of a Commission earlier

after I had shown that His Majesty's Government did not attach special sanctity to the year 1929 I then said

"The re-examination of the Constitution may take place at any time not later than 1929, when the British Government are persuaded that there has been genuine co-operation of the responsible Indian political leaders in working the existing Constitution, and when sufficient experience of these new, and still largely untried, conditions has been gathered to form the basis of a considered judgment and to enable proposals for the future to be made with some confidence"

I had hoped that the leaders of Indian political thought might seize the opportunity afforded to them by the attitude of Government, that they might elect to comply with the request made and might thus pave the way for an earlier appointment of the Statutory Commission and for the inception of a new era in political relations between India and Government. Whilst I fully understood and acknowledged the exigencies of political parties and the difficulties confronting political leaders, I yet hoped that conclusion would be reached and that action would be taken which would change the political atmosphere and lead to better understanding between India and the British people. It appeared to me that this was the golden moment for various sections of political opinion of India to combine in furtherance of the common purpose of advancing the interests of India by laying a surer foundation for her future relations with the British Government and people. But to my great regret I must confess that the realisation has fallen short of the extent of my hopes. So far, the appeals made with the object of promoting harmony and concord have failed to evoke that clear and definite response from India which should have been unmistakable in its manifestations and have left no room for doubts or ambiguities. A more generous response would, I feel sure, have evoked generous action. The heart of Britain would have been won by immediate and sympathetic acceptance of the advances she had made and a new situation would have been created based upon mutual trust and good-will. I shall refrain from discussing the various currents of Indian political thought that have found expression in diverse directions since I last addressed you. I desire to avoid comment that might possibly accentuate differences between political parties and Government. Yet I must speak my personal opinion with frankness. A study of the various speeches and of numberless press articles has led me to regret the more that there should be such hesitation in plainly recognising and accepting the new situation to which Government's invitation pointed. As I have indicated, I had cherished the thought that the attitude of Government would have made more cogent appeal to the generous minds of India. But it would appear that the opportunity is not to be seized, it is to be allowed to lapse, and indeed, in some quarters, I gather, that the intention, as at present expressed, is to reject it. And yet I believe that there is already the beginning of the growth of better relations. I wish the evidence had been more marked, but nevertheless, I think I have discerned it, and I deem it fair to state, as I have already acknowledged on previous occasions, that there is some improvement in the general attitude, some change in the tone and temper of politicians towards Government. Here again, I wish it had been more definite and unmistakable and also more general. Although the Government in the last Session of the Assembly was opposed and defeated on various occasions yet there was to my mind a greater disposition manifested to consider problems on their merits and to discard purely obstructive tactics. I have examined most carefully the debate of last September on the Government Resolution relating to

the Muddiman Committee Report, and have studied the terms of the amendment passed by this Assembly. Whilst I willingly recognise that some individual opinions were expressed suggestive of a desire to meet Government's advance, the language of the Resolution seems to admit of no doubt as to the intentions of those who supported it by their vote. Possibly ingenious minds may discover here or there in the formula adopted some evidence of disposition to accept the invitation. But I must reluctantly confess that scrutinising these terms with the desire to regard them as favourably as possible, I cannot find the desired encouragement to those who, like myself, were seeking evidence of greater co-operation and good-will.

There is however yet time for a more satisfactory response. In the ensuing Session, as the proceedings of this Assembly develop, I trust there may be found a clear manifestation of an attitude as generous and as well-intentioned as I verily believe was that which prompted the appeal. I shall continue to watch events here and throughout the country with deep interest, and it is my earnest prayer that the hopes, to which I still cling, may not be disappointed, and that a new era may dawn in Indian progress—an era of more sympathetic understanding, more widespread trust and more universal good-will.

Thursday, 25th February, 1926

MOTION FOR ADJOURNMENT

HUNGER STRIKE BY THE BENGAL STATE PRISONERS IN THE MANDALAY JAIL

Mr T C Goswami (Calcutta Suburbs Non-Muhammadan Urban)
Mr President, you were good enough to admit the motion which I am about to move this afternoon, and the House was kind enough to permit that the motion should be made at 4 O'Clock this afternoon. The motion that I have to move is, under the Rules in this form, namely

“That the Assembly do now adjourn.”

Sir, I want this adjournment for the purpose of discussing an urgent matter of public importance, namely, the hunger strike to which the Bengal State prisoners in Mandalay jail have resorted. Sir, I wish to bring to the notice of this House that the State prisoners in Mandalay jail have always suffered great hardships and have been subjected to inhuman treatment. Questions have been asked in this Assembly, questions have been asked in the Bengal Legislative Council, asking for information on specific cases of ill-treatment that were brought to the notice of the Government by those questions. The replies have invariably been evasive, except, when on rare occasions the Home Member, either here or in Bengal, took upon himself the responsibility of saying that he was satisfied that the treatment of the State prisoners in Mandalay jail was all that could be desired. Sir, resort to hunger-strike is a very serious step, endangering the lives of the detenus. We have known instances of people having had the strength of will to continue their hunger-strike unto death, and those who know Mr Subhas Chandra Bose, who is one of the detenus who have resorted to hunger-strike, those who know the high character of Mr Subhas Chandra Bose, can realise that his life is in peril. Perhaps the end of his life may be a prospect of great satisfaction to the Home Member and the

Mr T. C. Goswami Let me read further on

" I think you might so far report that the prisoners are in solitary confinement and are permitted to exercise daily and that both are cheerful and the health of neither has suffered, or words to that effect "

The next sentence is in italics in the official copy of the Report in question, which I was allowed to see for a few minutes

" *This report will go to Simla* "

Therefore, the Inspector General of Prisons asked Colonel Mulvany, who was in charge of these political prisoners, deliberately to send a false report to the Government of India In a postscript, this Colonel Buchanan actually wrote

" If you agree, cancel your No 4179 of 24 in your books and substitute new one — W J B "

We cannot help feeling that the statements made by this Government and on behalf of this Government with regard to the political prisoners are from top to bottom always false

The Honourable Sir Basil Blackett (Finance Member) Go on

Mr T. C. Goswami Are you over there not ashamed of this?

Mr Chaman Lall (West Punjab Non-Muhammadian) He is not He is laughing

Mr. T C Goswami Are you not ashamed that this took place? It is an ugly disclosure And then with this evidence before the Jail Committee, a white-washing committee, a lying committee, they made the following report,—relying, probably, on the secrecy of the minutes of evidence

" These prisoners when in jail are detained in special enclosures or buildings separate from all other prisoners They are granted such indulgence as books, writing materials, tobacco, betel and the like, and are not subjected to any more restraint than is necessary for their safe custody The arrangements made appear to be satisfactory, as satisfactory as is possible in the case of persons who are confined within a jail and we received no complaints from any State prisoner regarding the treatment of the jail authorities "

The Committee which in the face of the evidence of Colonel Mulvany could write this without explaining away that evidence, is a lying committee (Loud Applause), and the Government which concealed this report from the public and which, while having it all the time in their secret drawers took no steps for the amelioration of the treatment of political prisoners is a Government that is for ever condemned (Applause)

I will tell you Sir, what a British officer thought of the instructions that were sent to him

Mr. President: Order, order The Standing Order 24 says that no speech during the debate shall exceed 15 minutes in duration

Mr Chaman Lall May I point out, Sir, that on the last occasion when we moved a motion for adjournment and when your predecessor was in your place he did allow us extra time in a matter like this I would request you to allow a little more time

Mr. President Honourable Members must realise that if they are anxious to finish the discussion of this motion by 6 o'clock, they must put a restraint on themselves. I will not allow a minute longer than the prescribed time.

Mr. T O Goswami Do I understand, Sir, that I have entirely exhausted my time?

Mr. President The Honourable Member has

The Honourable Sir Alexander Muddiman (Home Member) Sir, I take the earliest possible opportunity of speaking to meet this motion as far as I can. I regret that the Honourable Member has not attempted to develop the point on which he has brought this motion, namely the hunger-strike in the jails of Mandalay. In fact, I have not yet ascertained what his point in regard to that was. As regards the evidence which he has read out, said to have been given by Colonel Mulvany, he is perfectly correct and I lent him the book in order that he might satisfy himself of the fact that Colonel Mulvany did make those statements. They were made in the year 1915. They were made in England to the Jail Committee. He was then a retired officer and appeared before the Committee by whom he was examined, and his examination is not without interest. The remarks that my Honourable friend has been quoting are taken from the Written Statement which Colonel Mulvany submitted before the Jail Committee.

These events took place, as I have said, in the year 1915 (*An Honourable Member* "The same Government prevailed") And I trust will prevail for many years to come (*An Honourable Member* "We hope not") These events took place in the year 1915. The evidence was given before the Jail Committee who had opportunity of testing the value of the evidence. They saw the man and were able to question him. I think it is unreasonable to expect me in the short notice that has been given me of this motion to be able to examine the papers and see what I have on record of events that took place eleven years ago. That, however, is not really essential to my argument. The Jail Committee who examined Colonel Mulvany and had their evidence before him came to certain conclusions with regard to State prisoners. I think my Honourable friend read them out, therefore I will not detain the House beyond reading out the last sentence which is as follows

"The arrangements made appeared to us to be as satisfactory as is possible in the case of persons who have to be confined within a jail, and we received no complaints from any State prisoner regarding his treatment by the jail authorities. In many cases facilities have been provided to enable prisoners of this class to play badminton or lawn tennis."

Now in regard to that Jail Committee, some of the Members of which this House might say were Indian officials and prejudiced, there was an English officer included in it who was a man of great experience and knowledge of jails, who was not in the least likely to be misled by any representations from this Government. I refer to Mr. Mitchell-Innes a distinguished English official of considerable experience of jails. On that point they did not accept Colonel Mulvany's evidence. They did not support it; and in spite of my Honourable friend's criticism as to the nature of the Committee which he characterised in rather stronger language than is usual in debates, there is nothing whatever in his contention on that point. Moreover, Colonel Mulvany did say something more. My Honourable

friend read out only a certain part of Colonel Mulvany's remarks. He did not read out this. He said.

"The arrangements made for their support are, in my opinion, adequate to the supply of their wants according to their rank in life. At least every wish expressed has up till now been gratified and both express themselves satisfied with their treatment in jail."

Mr T C Goswami That is the Report which was to be substituted. The Honourable Member had better refer to his own book. That was the report he was asked to substitute.

The Honourable Sir Alexander Muddiman That is the opinion given in writing by Colonel Mulvany. (*An Honourable Member* "Yes, which he was ordered to substitute.")

Now, the next point I have to make is that supposing the facts put forward are true, that Colonel Mulvany's contentions are correct, then what follows? It follows that at the time the Jail Committee reported, improvements had been made in the system, and the inhuman treatment—if such treatment took place, which I deny—had been removed, therefore whichever way you take it, the evidence did result in the better treatment of political prisoners, and no one is better pleased than I am at the result. But I am not on that point at all. I say that at the time this Jail Committee Report was published their treatment was good.

Now passing from that rather dead issue I come to the live issue of the present treatment of the prisoners in Mandalay Jail. As I informed my Honourable friend I had very little notice of this motion, and I at once telegraphed the Burma Government for a report and also the Bengal Government. I have not received a reply from Bengal but I have received a report from Burma but not in regard to points of detail. I have at present pending before me from these political detenus a petition in which they make certain requests. That was under my consideration long before the present motion was brought. I have written to inquire for the facts and for certain details, but there is no suggestion in the petition about ill-treatment. They have asked for certain extra payments in regard to various things but the petition does not suggest that the prisoners are being ill-treated. It is a carefully worded and carefully drawn up document and I suggest to the House for their consideration that if the petition as received contained no allegations of ill-treatment it is merely because there were no allegations to make. As I said, that petition is under my consideration and I am awaiting a full report from the Government. It will be dealt with and will receive due and even sympathetic consideration. (*An Honourable Member* "What is the report from the Burma Government? May we know what it is about?") No you may not. I am not in a position to give the House half facts. My Honourable friend pushes his intervention too far.

Mr M V Abhyankar I have evidence here that their letters are intercepted.

Mr Chaman Lal What does the remark of the Honourable the Home Member mean?

The Honourable Sir Alexander Muddiman As far as I can see the only question in the petition was one of financial aid or of necessary expenditure. No allegations were made of ill-treatment. They say they want a little

more money for certain purposes I have seen many demands from these persons who may have asked for a little more than is needed. But we are not here to provide for expenditure on a luxurious scale. We are to provide for expenditure on a reasonable and proper scale, and undoubtedly some of the demands are on a very high scale.

Apart from what I have said on the subject of the Jails Committee's Report, this question of political prisoners has been very much before the Government of India. We have from time to time issued rules regarding their treatment and I may explain to the House that copies of these rules are sent to every Local Government where these prisoners are confined, and therefore they must be in the hands of the Government of Burma. They were really drawn up with the object of seeing that they got reasonable exercise, games, newspapers and books. They are not, however, supplied with the *Forward* (Laughter) I see now that they are also supplied with confidential documents such as the Jails Committee's Report, and I am surprised to find that they have had access to Volume III which is not available to the public. How they got that document I am quite unable at this moment to say.

On the question of Colonel Mulvany, I have made it perfectly plain to the House what was his story in 1915, that his statements were not accepted, that Colonel Mulvany, if he effected any improvements, did good work, and as regards allegations of ill-treatment, there were no such allegations. There are gentlemen in this House who have been prisoners under Regulation III. Will they get up and say whether they received ill-treatment?

Pandit Shamlal Nehru (Meerut Division Non-Muhammadan Rural) Sometimes

The Honourable Sir Alexander Muddiman Were you a Regulation III prisoner?

Pandit Shamlal Nehru No, but my friends were.

The Honourable Sir Alexander Muddiman The orders do require that they shall have facilities in various ways for rendering their confinement as little irksome as possible having regard to the fact that they are confined. I have never minimised to the House that to confine a man is a very serious thing, but in spite of the charges which have been brought against us, I repeat that we do treat these men in a humane manner.

Mr T C Goswami Question

The Honourable Sir Alexander Muddiman Question, it may be, it is a question for the House to consider. So far there has been nothing said which can lead me to suppose that the cause of this hunger-strike is other than I have stated. Is it because we are discussing whether they should get a few rupees more? What is it?

Mr T C Goswami I suppose I have the right of a reply.

The Honourable Sir Alexander Muddiman I am placed in that position that this discussion has been raised at a time when it is almost impossible for the Government to develop its full case and it is impossible equally for the Member opposite to develop his full case. Therefore I think it is a

matter which should not have been raised on the adjournment I have nothing more to say

Lala Lajpat Rai. Sir, it is very difficult to speak with restraint on a subject like this and I can well excuse the warmth that was introduced into this discussion by my friend Mr Goswami. Here we are dealing with the case of a man amongst others, whom we consider to be one of the finest flowers of Indian Nationalism, whose character we consider to be one of the highest we can imagine, whose charities and benefactions extended to a very large number of people at the time he was arrested. We on this side of the House consider Subhas Chandra Bose to be incapable of doing anything mean or dishonest. When a man of that character and that kind resorts to hunger-strike we are bound to assume that there must be serious causes at the bottom of the hunger-strike, which have forced him to take that step.

Sir, I have been a prisoner under Regulation III of 1818. I have been a prisoner as a convict too, and I know how serious a thing a hunger-strike is. I have seen persons who had resorted to hunger-strike becoming almost mad and insane, and as long as I was in jail, I did my very best to prevent my compatriots from resorting to hunger-strike at all. People do not resort to hunger-strike under ordinary circumstances or as an ordinary means of having their grievances redressed. It is only in extreme cases when they find that the treatment they are subjected to is unbearable and intolerable that they resort to hunger strike. And if a man of the culture and character of Subhas Chandra Bose can resort to hunger-strike, we are absolutely safe in presuming that there must be very serious grounds which have led him to take that serious step. Unfortunately on this side of the House we are not in possession of all those facts which have led him to take that step. Sir, you must also remember that political prisoners are not quite free—neither prisoners imprisoned under Regulation III of 1818 nor even convicts—to communicate their grievances to their relatives and friends. A great deal of secrecy is preserved about the treatment of prisoners in jails as well as in other places where prisoners under Regulation III of 1818 are confined, and therefore if no facts have been communicated by them which we could place before this House, I am not prepared to believe that no facts exist and that there is no justification for that step. At the same time I quite understand the difficulty of the Home Member too. He has challenged me to state if I was treated inhumanly. I am generally reluctant to relate my personal experiences, but challenged as I am by the Home Member, I feel I must make a departure in this case. I will relate a few incidents before this House, in order to enable them to judge how political prisoners are treated at times. Of course, I don't know about the present rules, but evidently those rules have not improved things very much. They might have done so in certain respects and they might not have done so in certain others. Speaking of the question of inhuman treatment or maltreatment it must be understood that it varies. Much depends on individual prisoners and individual jailers. Some jailers and superintendents are very good and they give no reason for any complaint to political or other prisoners. Others are not so good. Some prisoners can put up with any kind of ill treatment and bear their grievances very patiently, some cannot. It all depends upon the attitude taken by the prisoner and the jailer. And therefore no general conclusions can be deduced from one statement or the other in a matter of this kind. But in my judgment the very fact

of a man being imprisoned under Regulation III of 1818, is inhuman, absolutely inhuman. It places him at a great disadvantage with all those who come in contact with him as his jailers or as his guards. The very fact of his being imprisoned under Regulation III of 1818 without being given the opportunity of explaining his conduct, without any trial or defence, dubs him as a very dangerous prisoner, and as such certain jailers and superintendents are inclined to think that they must use every possible precaution against that man communicating with the outside world or against that man even tolerably *enjoying* his life in jail, as some of the superintendents are apt to look upon it. So they put all kinds of difficulties in the way of the prisoners and consider that any treatment is good for him. Now, Sir, let us first dispose of the present trouble. Though I am not in possession of all the facts, but judging from questions put in the Legislative Council of Bengal by various Members about the treatment of those prisoners in Burma, I have no hesitation in saying that there must be certain serious causes which have led a prisoner of Subhas Chandra Bose's character to resort to hunger-strike.

Coming to my own humble experiences, it is rather unpleasant to speak of one's own case in this connection, but as I have been challenged to do so, I will make a few statements. First of all, Sir, I want to inform the Honourable the Home Member that for six months, the period of my incarceration in Mandalay, I was not allowed a single newspaper or any other periodical. I ask this House or any civilised Government, whether to deprive a man of my status and position in life, of my habits, of newspapers or magazines for six months, is inhuman or not. Secondly during the whole period of my confinement I was not allowed to see any of my relatives, in spite of applications made by them both to the Government of the Punjab and the Government of Burma. I ask the Members on the other side to say whether this was inhuman or not. Even ordinary prisoners, ordinary convicts, are allowed the privilege of having visitors, but in my case the application made by my brother, a pleader, was refused. He was not allowed to come to Burma to see me. Then, Sir, my food arrangements were put in charge of the butler of the Superintendent. That Superintendent at first seemed to me to be a very kindly disposed man, but he soon changed his manners possibly under instructions of some one else. The first day he allowed me a book to learn the Burmese language, but after three or four days he came to me and said, "I am sorry I cannot allow you to learn the Burmese language." (Laughter.) That must have been done under instructions. He did not do it on his own idea. At times he appeared to be kind and at times cruel, not that he actually beat me, but he treated me like a school boy and insulted me as often as he could. He put my food arrangements in charge of his butler, and would you believe it, one day when the vegetables were rotten and bad, I did not eat them, and the Superintendent actually came to me without any coat or waist coat, in his sleeves, and rebuked me and threatened me with dire consequences if I ever again refused to eat the food given to me. On another day, I put him a question as to whether the Government of India were still at Simla, because I was entertaining some hope of being released by the Government of India before they left Simla. He simply came down on me. How dare I ask him such a question. Well, I put up with all that without making a complaint to any one because I have made it a rule of my life not to complain of things like that. I take them as a part of the day's work. But because I made no complaint and informed no one, it does not follow that I was not

treated improperly or inhumanly I will just tell you one more funny story showing how political prisoners are guarded and treated. One day at about five o'clock in the morning, I was sitting up in bed and some Sikh passing along the road running by my bungalow was reciting the *Jappi Sahib*, which is their religious prayer. My guard consisted of Burmese and Europeans, no Hindus or Muhammadans were allowed to approach my bungalow or to be a part of my guard lest I might speak with them for a minute or two. By the by, was that humane? The object was to shut me out of all association with my fellow men—with men whose language I could speak and understand. So when the Sikh Jat passed by my bungalow reciting his *Jappi* rather loud, the European sergeant in charge who could not understand the language of *Jappi*, came to me and asked me why I was talking to him. When I told him that I was not talking to him at all, he became very threatening and rebuked me severely. I reported this incident next day to the Superintendent, but he passed it off as if it was nothing. Instances of that kind can be multiplied by tens and twenties and I may tell the Honourable Member that however good his own intentions or the intentions of his Government may be, there are subordinates who twist those intentions into something else, who presume from the very nature of the fact that a man is imprisoned under Regulation III of 1818 that he must be a dangerous man and is not entitled to courteous treatment. They care not either for your intentions or for the position or the comfort of the prisoner. My friend Mr Bipin Chandra Pal was saying something about my walks. I wish he had had the privilege of having those walks. Every time I went out for a walk I was accompanied by a guard of two constables and one European sergeant, all with loaded revolvers. If any Indian saw me on the road and had the courtesy to *salaam* me, as many did, they were punished, sometimes they were severely dealt with even before my eyes. On that account those walks were at times a regular torture to me. Sir, I feel I must stop the recitation of the wrongs done to me during my confinement. The few incidents among many more of the kind, related by me, are quite enough for the purposes of the challenge given to me by the Honourable the Home Member. Now I leave it to the Honourable Members on the other side to imagine the feelings of an educated man placed in that situation.

So, I would beg of the Honourable Members on the other side not to presume that these men, who are all men of culture and education and position, could have gone on hunger-strike for some petty or trivial reasons. We cannot of course give them all the facts, under the circumstances and at this distance. It is for the Home Member to make inquiries, and I am perfectly certain that he *will* make an inquiry. I have no doubt about that. He has said so himself. He said that he was in communication with the Government of Burma. But at the same time all that we wish to do is to draw the attention of the country to the serious state of things that exists in Mandalay jail in regard to these prisoners. And also to show as we have been pointing out from time to time, that as long as this Regulation III of 1818 remains on the Statute-book, it will be a constant source of irritation to the whole population of India, to the people who are arrested under it, to their friends and to the general public.

For these reasons, Sir, I support the motion made by my Honourable friend Mr Goswami.

Several Honourable Members: I move that the question be now put

The Honourable Sir Charles Innes (Member for Commerce and Railways) Sir, I desire to congratulate my Honourable friend on the moderation of his speech. But he accused the Government of inhuman treatment in regard to political prisoners. I think, Sir, that my Honourable friend will admit that we were not altogether inhuman towards him. I remember, Sir, not very long ago being consulted by my Honourable friend, the then Home Member (Sir Malcolm Hailey), about the release of Lala Lajpat Rai. My Honourable friend at that time, we were informed, was suffering from a very severe disease, and I am sure, Sir, that I have all my friends behind with me when I say that I congratulate the Honourable Member and the House on his recovery from that disease. (Applause) Sir, I am also obliged both to Mr Bipin Chandra Pal and Lala Lajpat Rai for having brought this debate down to the real facts. We are not, Sir, discussing this letter of Colonel Mulvany. What we are discussing is the question of this hunger-strike of these prisoners in the Mandalay Jail. Now, Sir, I think that I can fairly state that my Honourable friends opposite are in exactly the same difficulty as my friend, the Home Member, who said that he was in a difficulty in replying to this debate because he had not the information. I think that Lala Lajpat Rai and all other Honourable Members opposite are in exactly the same difficulty. What do we know about the facts of this hunger-strike? We are told that these political prisoners have been ill-treated. There is not one word of evidence to corroborate that.

An Honourable Member We have the fact of the hunger-strike.

The Honourable Sir Charles Innes True we have also their own statements. The only thing that we know is that they are in dispute with the Burma Government over allowances for the cost of certain festivals. All that my Honourable friend Lala Lajpat Rai could say was that we must assume that there was some serious cause for this hunger-strike. Surely, Sir, the obvious thing to do would have been to wait till my Honourable friend could have found out the cause of the strike, and my Honourable friends opposite might have done the same. Then Lala Lajpat Rai gave certain of his own experiences when he was in detention in Mandalay, I think about 1907. That, Sir, is 19 years ago, if my arithmetic is correct, and I think that we can claim on this side of the House that we have made very real improvements in our treatment of these political prisoners. Mr Bipin Chandra Pal also made certain statements. One of his complaints was that these prisoners are not allowed to go to the cinema. I am quite prepared to admit that they are not allowed to go to the cinema, but I find that they are allowed to play chess, cards and even dice, and I find also, and I am sure this will interest Honourable Members, that they are allowed the use of the *charika* and to play badminton. Lala Lajpat Rai when he was in jail complained that he was not allowed newspapers. I have here a list of the newspapers which such prisoners may be allowed to subscribe to. "Any magazine published in Great Britain", and there is a list of 16 or 17 magazines and periodicals to which these political prisoners are allowed to subscribe.

An Honourable Member Why don't you supply the *Forward* newspaper to the political prisoners?

The Honourable Sir Charles Innes If the Honourable Member likes to know what the newspapers are, I am quite prepared to read out the list.

Mr. Bipin Chandra Pal: There is one little point I did not suggest that they should be allowed to go to the cinema, but I suggested that they ought to have other means of enjoying themselves and enjoying life

The Honourable Sir Charles Innes I am rather fond of cinemas myself, and I can quite appreciate the political prisoners' deprivation of it, but I quite understand the Honourable Member's point, and I was trying to make it plain to the House that though they are not allowed to enjoy that particular diversion, we make it our business to provide them with certain games, among which, as I say, there are chess, cards, badminton, the *charka*, etc., and that we have in the last few years made very real improvements. The whole question, Sir, comes round to this. These gentlemen have gone on hunger-strike. We do not know why. All we know is that there is a dispute about certain expenses on certain festivals. There is no jot or tittle of evidence to show any ill-treatment, and I suggest that this House, instead of moving what is a vote of censure, as this motion for adjournment will be, if carried, should drop the matter until we have made our inquiries and found out what the real trouble is. I emphasize my point that the Honourable Members opposite have no specific evidence to bring forward in support of the allegation of ill-treatment, and all that they could say is that because there is a hunger-strike, there must be some serious cause at work. We know from the history of political prisoners all over the world that a hunger-strike is a device in order to bring trouble to the Executive. As far as we know, the only cause here is this dispute about allowances, and I submit that there is no reason why this House should pass this motion on that ground.

(Several Honourable Members moved that the question be put.)

Mr T C Goswami I thank you, Sir, for allowing me to reply. I will make a very short reply, because it is really a cruelty, perhaps an act of inhumanity (since we have been condemning acts of inhumanity), that I am perpetrating on the Home Member, who not only confessed that he was unprepared but evidently *showed* that he had absolutely no preparation and no case at all. He asked me, why did I raise this question when I did not have all the facts of the situation? And his colleague, the Honourable Sir Charles Innes went further and said that I had no definite evidence. Now I want to ask, how am I to know, or how is any Member here to know, definitely what is happening inside the barred and bolted gates of the jail in far away Mandalay. This motion is raised at least 4 or 5 days after the hunger-strike was commenced. It is for the Home Member to give us definite news. The news that there was a hunger-strike in Mandalay Jail came on

The Honourable Sir Charles Innes It may be over by now.

Mr T C Goswami The Home Member was at liberty to tell us that, if it was true, and I think the Honourable the Commerce Member will at least give me the credit for having done one thing. The first time I heard about this incident, I placed the full telegram, which contained other things of a private character, at the disposal of the Home Member early yesterday morning, and I said to him that I was not going to move for an adjournment that day.

The Honourable Sir Alexander Muddiman. That, Sir, is perfectly true, and I returned the telegram after I had used it and I did not use his private information

Mr. T C Goswami Quite so I frankly came to him and asked him, to ascertain the facts Certainly he could have sent a clear the line telegram to Burma, as the Government can always do, and during the last thirty hours the Home Member had ample opportunity of hearing from them

The Honourable Sir Alexander Muddiman I have had a reply, Sir, but I wanted a full reply

Mr T C Goswami But you have not disclosed the reply Is it so damaging? What I wish to say is that both the Home Member and the Commerce Member were relying on the petition of the detenus, dated the 2nd February, 1926, which no doubt related only to the dispute about the Puja allowances But they omitted to tell us that even as late as January 16th last—I have got a copy of, the petition of that date—these prisoners petitioned the Government at Mandalay pointing out various inconveniences under which they suffered, and the Saraswati Puja incident was mentioned only as one of them They pointed out that while the Jail Committee reported—the report which I have consigned here to the floor, and there let it lay!—that these political prisoners are to be subjected to no more restraint than is necessary for their safe custody, that rule which is also enjoined by Regulation III, which is a Statute, that rule is frequently violated

Then, Sir, as regards Colonel Mulvany's evidence, the Home Member said that that evidence was rejected, but in the report of the Jail Committee, that Committee never took the trouble to discuss Colonel Mulvany's evidence That is a serious point Colonel Mulvany was responsible for looking after more internees than probably any other officer in his time, and the statement came from an authority so high as that, and the Committee, we are told, dismissed that evidence It was certainly due not only to Colonel Mulvany, it was due to themselves and due to the public that they should have discussed that evidence, and said why that evidence was dismissed Besides, certain letters passed between Colonel Mulvany and the then Inspector General of Prisons, which were published If they were false, as I cannot believe that they were, the Committee ought to have stated that on investigation Colonel Mulvany's evidence was found to be untrue Then Sir, the Home Member quoted, and that was the most curious, most amusing, part of his speech—I mean no personal disrespect—he quoted from the report which was actually substituted under orders and under protest by Colonel Mulvany

The Honourable Sir Alexander Muddiman I was a little afraid that I made a mistake, but I observe that the paragraph that appears in both letters is in exactly the same terms

Mr L Graham (Secretary, Legislative Department) Read paragraph (b)

Mr T C Goswami Read his letter of protest, Confidential D O No 4179 (a), which is no longer confidential

I think before the Committee had any right to "disbelieve" the evidence of Colonel Mulvany, it was their duty to say plainly that they regarded him as a liar, and if the Honourable the Home Member, who has, I understand, no personal experience of dealing with internees and who was not a jail official in Colonel Mulvany's time or at any subsequent time, and so, could not claim personal experience,—I say, if he is prepared to state that this responsible official of Government, to whose high character and courage I again pay a tribute, was a liar, he is welcome to do so. Meanwhile Colonel Mulvany's evidence is there.

Now, I shall finish with one observation, and that is this. You detain people without even framing charges against them. Even that barbarous Regulation III which dates from a barbarous and lawless time,—even that provides that nothing should be done to the State prisoners except to see that they are safely under control, that no personal inconveniences should be caused. Knowing the present temper of the Bengal Government, which I greatly deplore, it is our fear that persons in authority in that province, persons, some of whom suffer, if, I am permitted to borrow a phrase from modern Psychology, from an "inferiority complex,"—persons who have been exasperated by the political movement, the perfectly lawful and constitutional political movement in Bengal,—have resorted to punitive and vindictive methods. Nothing convincing has ever been said on behalf of the Government to dispel the impression, which I repeat and which I believe in, that Government in Bengal have used this Regulation III and the Ordinance for vindictive purposes. Colonel Mulvany has said that the treatment sometimes meted out was "such as to drive any sensitive man insane." We know actually from the condition of some of the internees that they have become physical wrecks, that they have become nervous and that some of them have become absolutely useless for further work. I must protest, again, on behalf of my friends behind me, against the inhuman treatment, which I assert with confidence and about which Government have persistently shown such callous indifference.

The Honourable Sir Alexander Muddiman Sir, the main point I had to make I was able to make by an interruption. In my first speech I was a little afraid I might have made a slip in quoting from the first letter. The sentence appears in both letters and my point was a perfectly good one. It is one of the things that one is doubtful of when speaking, not being like my Honourable friend a polished and accomplished orator.

Now, Sir, a good deal has been said, but I have not heard one single Member get up and say that any brutality is shown, any corporal brutality is shown. There have been charges that we have denied prisoners mental pabulum, and I admit that that may amount in certain circumstances to a very serious deprivation. Perhaps to a man fond of literature, like my friend opposite, it is a more painful thing than an actual blow. My Honourable friend Sir Charles Innes has answered that objection by pointing out that the detainees can choose from a large list of magazines, but he forgot to add, no doubt through oversight, that a paper that is well known in this House, the *Bengalee*, is available to them. I may also point out that the *Englishman* and the *Statesman* are also available.

Mr. C S Ranga Iyer (Rohilkund and Kumaon Divisions, Non-Muhamadan Rural) That is poison to political prisoners.

The Honourable Sir Alexander Muddiman Poison? My Honourable friend's opinion is different to mine as to suitable mental pabulum for political prisoners. I am not, Sir, prepared to go into the respective suitability of the various newspapers that circulate in India as to whether or not they are good pabulum for political prisoners. One point at any rate one grievance under which my friend opposite suffered, has been remedied. Then, Sir, the point has been made and very carefully made by my Honourable colleague—and I am much obliged to him for making it—it was not open to me to make in detail as no case had then been developed—my colleague pointed out and pointed out with force that as far as we know the hunger-strike is due to the dispute as to certain allowances. That is the point that was raised in a petition which is now pending before me and on which I have asked for further information. I do not think that on that the House has made out any case for the adjournment. The main proposition which lies behind this motion is that prisoners in these days are being treated with inhumanity. I deny it, I deny it with all the force at my command. It is impossible—and here I agree with my Honourable friend Lala Lajpat Rai—it is impossible for any Government to be sure that all subordinates are behaving properly. Indeed it is not only in jails but in other parts of India that rudeness and incivility are experienced. It is a matter in our own common knowledge, equally in your own and mine. I say on the broad issues nothing has been established against Government and the House ought to support Government in this matter.

Mr President. The question is

“ That the Assembly do now adjourn ”

The motion was adopted by 57 votes against 40

Monday, 1st March, 1926

HUNGER-STRIKE OF THE BENGAL STATE PRISONERS IN THE MANDALAY AND INSEIN JAILS

The Honourable Sir Alexander Muddiman (Home Member) Sir, with your permission I desire to make a statement which I should have made this morning in answer to a short notice question of which I had consented to waive notice. It was from Mr Goswami, but I understand that my Honourable friend had not obtained your permission, Sir, to put that question, therefore it is not open to him to do so. As the matter is of considerable interest to the House, I desire, with your permission, to give the House some information on the subject. Have I your permission, Sir? (On Mr President assenting, the Honourable Sir Alexander Muddiman proceeded)

It relates to the hunger-strike of the State prisoners in the Mandalay and Insein Jails. The hunger-strike of the State prisoners in the Mandalay Jail began on the 18th February, and of those in the Insein Jail on the 22nd February.

The grounds assigned by the prisoners for the strike are as follows

At the time of the Durga Puja festival they represented to the Superintendent of the Jail at Mandalay that the Government of Bengal always made grants for the celebration of religious festivals. This was not, as a m

of fact, correct. Reasonable facilities have always been allowed for the celebration of religious festivals, but the grant of substantial sums of money is clearly another matter. The Superintendent, however, believing the representation to be true, advanced sums aggregating Rs 500 on the understanding that the amounts would be repaid if sanction was not accorded. The grant was not sanctioned, but as the money had already been expended, its recovery has been waived. The prisoners renewed their demands for grants in connection with the Saraswati and Holi festivals and the reason alleged for the strike is that these grants were not sanctioned. No allegation of ill-treatment whatever has been made and the representations received apart from what I have already explained relate solely to allowances. The prisoners have been treated throughout with great consideration by the jail authorities and periodical reports show that their health is good and their comforts well looked after. Of course they are not in as good condition after going on hunger-strike as they were before.

The information which I give you I had not in this complete form when the motion for adjournment was before the House. I only received it on the 27th February. The first intimation I had of the hunger-strike was on the 24th February in a telegram from the Government of Burma. This statement is in effect the reply which I should have given had I been put the question this morning.

Mr T C Goswami (Calcutta Suburbs Non-Muhammadan Urban) May I ask my Honourable friend, the Home Member, whether he has received any intimation as to the present state of health actually of the hunger-strikers, and may I also ask whether, in view of the statement which he has made to this House, for which I thank him on behalf of the House, the grievances were simply in connection with the religious festivals, and why, in that case, if those grievances had been redressed, is it that the hunger-strikers are still continuing on hunger-strike?

The Honourable Sir Alexander Muddiman My answer to the first part of the question is that I am aware that people who hunger-strike are not in particularly good condition. They are being medically attended to. I may make it plain to the House that Government have not the slightest intention of yielding to the hunger-strikers. As regards why they are still hunger-striking, it is not a fact that these grants were always made for the celebration of religious festivals. It is a fact that the Rs 500 were written off. The question of grants for these religious festivals so far as it concerns the Bengal Criminal Law Amendment prisoners is under the law a question for the Bengal Government, but it is also true that among these State prisoners there are three Regulation III people, with whom I am concerned. On receipt of their petition—I first heard of it in a letter from the Bengal Government dated the 9th February,—I wrote and asked whether allowances had been given in the past, if so, what allowances were granted and whether the present allowances were sufficient. I have not had a reply to that letter. As regards the petition from the Regulation III people, the petition, therefore, is still under the consideration of the Government of India.

Mr T C Goswami I wanted to ask Sir Alexander Muddiman, and may ask him again, that inasmuch as he definitely stated that the hunger-strikers referred to no other grievance in their petitions to Government except that arising out of expenses for the Pujas, whether, after that amount was advanced to them and was written off, their grievances were not completely redressed?

The Honourable Sir Alexander Muddiman: No. They said that not only should the Rs 500 be written off but that grants should be made to make up for what they had paid themselves.

Mr T C Goswami: Is it not a fact that on the 16th January last, these State prisoners petitioned the Government of Burma alleging ill-treatment of various kinds, and that as an instance of ill-treatment they mentioned the fact of not receiving allowances for performing their religious rites? They mentioned many other things, and considering that their petition, dated 2nd February, to which the Honourable the Home Member made reference in this House, dealt only with the question of the Pujas, does not the Home Member think that he ought to take the petitions of the 16th January, and the 2nd February, together and treat all the grievances mentioned in the petition of 16th January, as genuine grievances or grievances which ought to be investigated by the Government of India?

The Honourable Sir Alexander Muddiman: I can only say to that that I have received an assurance from the Government of Burma on the 27th February, that no allegation of ill-treatment has ever been made.

Mr T C Goswami: Not even in the petition of 16th January?

The Honourable Sir Alexander Muddiman: Not in the petition I have received, and I have the assurance of the Government of Burma as I have already stated.

Mr T C Goswami: May I ask the Home Member to inquire from the Burma Government about the petition of the 16th January, of which I had a copy on the day I moved the adjournment of the House?

The Honourable Sir Alexander Muddiman: If the Honourable Member will give me a copy of the petition I will send it to the Burma Government and ask for their remarks.

Mr A Rangaswami Iyengar (Tanjore *cum* Trichinopoly Non Muham madan Rural) May I inquire whether the Honourable the Home Member will not consider it worth his while to dissuade these prisoners from resorting to strikes having regard to the fact that he has already looked into their grievances, some of which he has redressed?

Amendment Law prisoners, the allowances are to be fixed by that Government

Mr K C Neogy (Dacca Division Non-Muhammadan Rural) Is the Honourable Member aware that more than five months have elapsed since the State prisoners celebrated their Durga Puja in Burma?

The Honourable Sir Alexander Muddiman. They celebrated the Durga Puja at the expense of Government at a cost of Rs 500

Mr K C Neogy How is it this matter did not come up before the Government of India for so long?

The Honourable Sir Alexander Muddiman. Why should it come up except on petition?

Mr K C. Neogy Is it not a fact that the State prisoners did submit a petition in the first instance to the jail authorities in Burma, and in the second instance to the Government of Burma, but how is it that none of these petitions was forwarded to the Government of India?

The Honourable Sir Alexander Muddiman. I can only say that the only petition on my file is the one I have referred to. The Honourable Member has put a great many questions on the paper and I shall have great pleasure in answering them later in as full a way as possible

Mr Chaman Lall (West Punjab Non-Muhammadan) But I take it the position at the present moment is this, the Government are not prepared to consider any of these grievances of these people on strike?

The Honourable Sir Alexander Muddiman The Honourable Member must make no such assumption. The only grievance before me is this question of these allowances, and that I am going into with the Bengal Government

Mr. Chaman Lall. Do I understand from that statement that the Honourable Member will take expeditious steps to inquire into these grievances in order to put an end to them?

The Honourable Sir Alexander Muddiman The only grievance which I have before me is under investigation and I shall give it my early attention, but if the Honourable Member thinks that a hunger-strike will have any effect on the decision I shall arrive at, he is in error

Mr Chaman Lall All I think is that a hunger-strike may have grave consequences

The Honourable Sir Alexander Muddiman As the Honourable Member knows, two Honourable Members of this House have endeavoured to dissuade these people from hunger-striking. It is no pleasure to me to have people going on a hunger-strike and if there is anything I can do to terminate it, I shall be only too glad to do it

Mr T C Goswami. May I first of all thank the Home Member for forwarding our telegram, which I trust was received by my friend Mr Subhas Chandra Bose, shortly after it was despatched from here, and may I, in the second place, ask the Home Member, since his information on the subject of the grievances or alleged grievances of these prisoners

appears to be so very limited, to inquire into the grievances of these people and see what he can do to relieve them?

The Honourable Sir Alexander Muddiman In so far as any grievances are brought to my notice I shall proceed to do all I can to relieve them

Mr Devaki Prasad Sinha (Chota Nagpur Division Non-Muhammadan) May I suggest to the Honourable Member that, if it is possible, he may instruct the jail authorities to issue occasional information to the relations of all the individual prisoners?

The Honourable Sir Alexander Muddiman The Honourable Member is evidently not aware of the rules under which these prisoners are detained. They have the power to write twice a week to their families, and they exercise it

Diwan Bahadur T Rangachariar (Madras City Non-Muhammadan Urban) May I ask whether the Government of India have not issued instructions for giving them funds for the Holi festival?

The Honourable Sir Alexander Muddiman No, Sir, we have not

Diwan Bahadur T Rangachariar May I know why?

The Honourable Sir Alexander Muddiman Because, as I have told the Honourable Member, as regards allowances for the Bengal Criminal Law Amendment Law prisoners it is a matter for the Bengal Government. As regards State prisoners, it is undoubtedly a matter for me, but, as we treat these men alike, we must adopt a common course of action, which I am now discussing with the Bengal Government

Monday, 15th February, 1926

COMMENTS IN A NEWSPAPER REFLECTING ON THE IMPARTIALITY OF THE CHAIR

The Honourable Sir Alexander Muddiman (Home Member) Sir, before we proceed with the further consideration of this Bill I desire, with your permission, to make a few observations regarding a misunderstanding with regard to the progress of the Bill on the last date. During the division Sir, I told you that I was not anxious to proceed with the further business on the agenda. This, doubtless, misled you into the view that I did wish to make a further motion on the Bill then under consideration. I will not conceal from the House that I should have been glad to have in the other motions that stood in my name with regard to the Bill as I regarded them as entirely formal (and I have no doubt that the House that day will take the same view) after the discussion we had on that day. I want to make it perfectly clear that if there was any misunderstanding I was to blame for it, and I make no complaint at all on account of the procedure adopted by the Chair which was due to a misunderstanding. I may tell the House that I have read certain observations which might be construed as a reflection against the Chair. I dissociate myself entirely from that view. May I assure you that we are fully satisfied that the rulings of the Chair are based on the principles that have always been and I trust will always be the basis of the rulings of the Chair.

Mr President The Chair welcomes the statement just made by the Honourable the Home Member on behalf of the Government. It gives the Chair an opportunity to express its view on this newspaper report which has evoked the statement from the Home Member. The attention of the Chair has been drawn to the writing under the heading "From our special correspondent" appearing in a certain newspaper. There is no doubt that the statement contains an insinuation of partiality directed against the Chair and the publication of such an insinuation constitutes, in the opinion of the Chair, a grave breach of the privileges of this House, deserving of the severest condemnation. The Chair, however, is not prepared to take a serious view of the matter at present and hopes that the statement made by the Home Member will have the desired effect on the newspaper concerned and it will express its unqualified regret for the publication of the report in question forthwith. If the matter is again mentioned by any Member of this House at a later date complaining that the newspaper in question is unrepentant, the Chair will pass such orders against it as are permissible. The Press must know that no suggestion of partiality, however remote, directed against the Chair will be tolerated. At the same time the Press is fully entitled to criticise the conduct of the Chair as much as it pleases, without casting or suggesting any reflection on its partiality. The Speaker must guard and maintain his reputation for impartiality of all things at any cost, and he cannot do so if he allows such suggestions or insinuations to pass unnoticed.

The Chair takes this opportunity of explaining to the House the practice it has hitherto followed and proposes to follow hereafter in adjourning the House. On non-official days, the Chair endeavours, as far as possible, to accommodate the non-official Members and consult their convenience before adjourning. On official days, the Chair endeavours to treat the official Benches on the same principle. In the absence of any instructions from either side of the House on any particular day, the Chair uses its own discretion and adjourns the House at such hour as it considers proper having regard to the state of business for that day. Generally speaking, the Chair is always anxious to consult the convenience of the House and shows its readiness to sit even very late hours irrespective of its personal convenience.

Last Wednesday was an official day and in accordance with its usual practice the Chair adjourned the House in consultation with the Leader of the House.

Tuesday, the 9th February, 1926

ANNOUNCEMENT REGARDING THE ROYAL INDIAN NAVY

His Excellency the Commander-in-Chief Sir, His Excellency the Viceroy has this morning made an important announcement in the Council of State, and it seemed desirable to His Excellency that I should come here as soon as possible, and with your permission, Sir, repeat the substance of what His Excellency then said.

It is this that His Majesty's Government have, subject to the undertaking of the necessary legislation on the subject, agreed to the reconstitution of the Royal Indian Marine on a combatant basis to enable India to take the first step towards providing for her own naval defence in the future (Applause). It was with this object in view that His Excellency the Viceroy

early last year assembled a Committee under the presidency of my very distinguished predecessor, Lord Rawlinson, in conjunction with the Naval Commander-in-Chief, Admiral Richmond, and it is as the result of the recommendations made by that Committee that the present decision has been arrived at. Subject to the sanction of His Majesty the King-Emperor, the new Service will be known as the Royal Indian Navy, and, together with the ships of His Majesty's Navy, will have the great privilege of flying the White Ensign, a privilege which I might mention is most enormously valued by the Royal Navy, in fact I think I might say there is no privilege more jealously guarded than the flying of the White Ensign. The report of this Committee will I hope be in the hands of all the Honourable Members of this House either this evening or to-morrow morning, and they will see from that what the purport of it is and what the strength and duties of the Navy will be in the future. I may mention here that Indians will be eligible to hold commissioned ranks in the Royal Indian Navy (Applause). It will of course be necessary for us to take the necessary steps, and we shall do so, to provide for their education and training. You will recognize, it is essential that the organization of the new Service should be entrusted to the existing personnel of the Royal Indian Marine, subject to any necessary re-adjustment of cadre. The changes involved are of course very great indeed, but as soon as we can possibly get into touch with the necessary organization, administration, finance and education in consultation where necessary with the Admiralty and other authorities involved, the necessary steps will be taken. I would only add, Sir, what great pleasure it has given me personally to have been the means of making this announcement to my Colleagues here in the Legislative Assembly, and I believe I am right in saying that there is no single Member here present who will not whole-heartedly rejoice with me that this new career of national service is now to be open to Indians (Applause).

Wednesday, 10th February, 1926

ELECTIONS OF PANELS FOR STANDING COMMITTEES

The Honourable Sir Alexander Muddiman (Home Member) Sir, I beg to move

"That this Assembly do proceed to elect in the manner described in the rules published in the Home Department notification No F 49, dated the 22nd August, 1922, as amended by the Home Department notification No D 794-C, dated the 30th January, 1924, 4 panels consisting of 9 members each, from which the members of the 4 Standing Committees to advise on subjects in the Home Department, the Department of Commerce the Department of Education, Health and Lands and the Department of Industries and Labour respectively, will be nominated."

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly Non-Muham-madan Rural) Sir, may I request the Honourable the Leader of the House to enlighten the House as to what happened to the panels of Committees elected last year, which of them met, how often they met or were consulted and what was the work they did?

The Honourable Sir Alexander Muddiman I cannot answer for the other Departments, but there were not many meetings of my own Standing Committee because the Council of State, as the Honourable Member knows, had to be dissolved. As regards my own Department, I think I did lay a statement on the table the other day.

Mr. K. C. Neogy (Dacca Division Non-Muhammadian Rural) Sir, it may be in the recollection of this House that, when a similar motion was brought forward by the Honourable Member in charge last year, I raised my voice in opposition to it. It was on the ground that the Government had no desire to utilise these Committees for the purposes for which they were intended by the Joint Parliamentary Committee, and I am surprised that the Honourable Member has taken shelter under a specious plea in saying that the Committee attached to the Home Department could not be summoned as the Council of State had to be dissolved. I suppose the Council of State was prorogued only a few months back, but what happened to the Committee during the rest of the period? I have it on good authority that only one meeting of the Committee attached to the Home Department was summoned during that period and only a few non-official Bills were referred to the members for opinion. I certainly think that this was not the intention of the Joint Parliamentary Committee. We are always reminded by Government that they expect us to co-operate with them in carrying out the Reforms. I do not know whether my Honourable friend will contend that they are carrying out the spirit of the Joint Parliamentary Committee's recommendations in regard to these Standing Committees. Sir, until I am satisfied that the Government have any real intention of making a proper use of these Committees, and giving the members thereof sufficient opportunities to study questions of administration, I cannot be any party to this motion.

Mr A Rangaswami Iyengar Sir, I desire seriously to ask the Leader of the House if the Government are of opinion that this is all a farce why they should not say so and be done with it? For my part, I do not propose to take part in the election of these Committees.

The Honourable Sir Alexander Muddiman Sir, speaking for myself, nothing would give me greater pleasure than to consult my Standing Committee on many subjects. There are of course, however, many subjects in the Home Department which are obviously not susceptible of being laid before a Standing Committee which meets very rarely. We have often to take decisions on matters of administration which cannot brook delay. I personally should welcome the opportunity of consulting my Standing Committee much more frequently than I do. The difficulty is this. This House sits long and continuously and during the Session we are occupied the whole of the day and far into the night either in this House or in the Executive Council or in our own offices. We sit four days in the week, we have Select Committees meeting, and it is almost impossible to arrange for any consultation in that period. I may tell the Honourable Member and the House that the burden of administration on those of us who sit on these Benches is at such times almost intolerable and that is the only reason why I am unable to consult my Standing Committee as often as I should like.

Mr A Rangaswami Iyengar Then why do you make the motion?

Mr N M Joshi (Nominated Labour Interests) Sir, I wish to make one remark on this motion. The Committees are appointed and the panels elected by this House. Therefore the Committees are Committees of this House. It is therefore necessary that a report of the work of these Committees should be presented to this House, so that the House may be

in a position to know what work these Committees have done. I therefore propose that the Government of India should annually prepare a report of the work done by the Standing Committees so that the House may know what work these committees do during the course of the year.

Mr. President The Honourable Member may raise the question by way of a Resolution, it cannot be done under this motion.

Mr. N. M. Joshi It is only a suggestion, Sir.

The motion was adopted by 46 votes against 25.

16th February, 1926

RESOLUTION RE EXTENSION OF THE REFORMS TO THE NORTH-WEST FRONTIER PROVINCE

Maulvi Sayad Murtuza Sahib Bahadur (South Madras Muhammadan)
Sir, I beg to move the Resolution standing in my name, which runs thus

'This Assembly recommends to the Governor General in Council that he be pleased to extend to the North West Frontier Province the provisions of the Government of India Act which relate to Legislative Councils and the appointment of Ministers, etc., with protection to the minorities.'

Sir, before proceeding with the subject, I have to submit that about half a dozen times I wanted to have some motion or other tabled, but this is the first occasion when I had the fortune of drawing the ballot in my favour. Sir, before handling the subject I should explain to you my position as regards this Resolution. So far as I am personally concerned, I belong to that party called the Swaraj Party which has for its guidance a growing aspiration for the elevation of our motherland. But, Sir, at the same time I am a member of the All-India Muslim League also, and not only an ordinary member but also a member of the Council, representing our Presidency, and as such, Sir, I have to act up to one principle, which is laid down by Islam.

"Khuz ma safa, Tha ma ladir"

"Whatever is good in anything, you had better accept it, whatever deserves rejection, you had better reject it."

So this Resolution is based on a Resolution already passed, not only in one Session of the All-India Muslim League, but it was repeatedly passed in Lahore, Bombay and Aligarh, all of which meetings I had the pleasure of attending. Moreover, Sir, this has a history of its own. I had the pleasure of visiting some parts of the North-West Frontier some two years ago, when I came in contact with leading gentlemen of the Muslim community. You may be aware, Sir, that I always like to be *incognito*, but there I was the guest of my esteemed friend Hakim Ajmal Khan. I was introduced to some of the leading gentlemen there. They placed their difficulties and grievances before me, and I placed my difficulties before them and said that as a Swarajist I could not make a move in this direction. But they said that what was nothing to me meant something to them and urged me to do something for them. They also said that so far as the Mussulmans and Hindus of other provinces are concerned, they do enjoy something, whereas the people of the Frontier do not.

enjoy anything at all, they are denied even the elementary rights of citizenship, and they added that it was my bounden duty, as an elected Member, to whatever province I belonged, to represent their cause, remarking that I was elected to this House to advocate the cause of those that are oppressed and that are subjected to many a hardship, be they Hindus or Muhammadans, be they Christians, Parsis or Sikhs.

So, I desire to make one point clear to this House. I do not move this Resolution on the ground that the majority of the population in the North-West Frontier Province consists of Muhammadans. Even if there had been a majority of Hindus, Christians, Parsis, Sikhs or Anglo-Indians there, I would have placed this Resolution before this House for its acceptance. That is my position. Sir, personally as I have said, I do not attach any importance to the present Reforms. Personally I am of that opinion and that is the view also of our Party. But then, you know, Sir, with what object we have entered the Councils. (*An Honourable Member* "What"?). I was a staunch no-changer, Sir. After that I became a convert to this creed, the creed of the Swaraj Party. It happened this way. There was an occasion, Sir, which my Madras friends will remember. A mass meeting was held in Madras which was presided over by me at which the universally-lamented founder of the Swaraj Party, I mean Mr C. R. Das, spoke on Swaraj. At that meeting I had the pleasure of hearing the arguments put forward by him in support of Swaraj, and I then became a convert to this creed. But before entering the Council I did not join the Party formally. After coming to Delhi, when I found that this progressive Party was fighting for the freedom of our motherland, I most willingly and gladly joined the Party. But, Sir, I move this Resolution not as a member of that Party, but I move it as a member of the All-India Muslim League.

Now, coming to the Resolution itself, Sir, I take my stand on the Majority Report of the Frontier Inquiry Committee, and therefore my task becomes very simple. The House is aware of the fact that in pursuance of a certain Resolution passed by the Assembly, a Committee was appointed to inquire into the frontier problem. The honour and credit of moving that Resolution goes to my Honourable friend Sir Sivaswamy Aiyer of my Province. That Committee consisted of 8 gentlemen, three of whom were European officials and five non-officials, of these five, three were Mussulmans and two were Hindus. They visited important places in the North-West Frontier Province, they investigated the matter very thoroughly and made a very sifting inquiry. Such a searching inquiry was made by them, that the evidence recorded by that Committee covers about 1,700 pages, and the conclusions they have arrived at support my Resolution.

So, before dealing with the recommendations made by that Committee, I wish to allude very briefly to the history of the North-West Frontier Province itself. The North West Frontier Province, Sir, consists of 5 settled districts, called the administered districts, and 5 unsettled districts or tribal tracts. My Resolution relates only to settled districts. These comprise Peshawar, Kohat, Hazara, Bannu and Dera Ismail Khan. So far as these districts are concerned, the majority of the Committee have recommended that those districts should be given reforms, and it is high time that the question should be paid attention to, otherwise, they have said, delay will prove disastrous. The exact wording of the Majority Report will be read out later. The majority has dealt with the financial,

judicial and other cognate questions As I said, Sir, my task in moving this Resolution is further simplified when I see the President of that Committee before me I hope, Sir, he will not attempt to shirk his responsibility in this matter as he has subscribed to the Majority Report

Pandit Sham Lal Nehru (Meerut Division Non-Muhammadan Rural). We will hear him later on

Maulvi Sayad Murtuza Sahib Bahadur If my friend attempts to do so, I would point out that it would mean a mere farce to form Committees and send them round the country to take evidence spending the taxpayer's money And who was the Secretary of that Committee, Sir? The present Chief Commissioner of the Frontier Province itself Who was the other official member? He was a District and Sessions Judge in the Punjab These three gentlemen with the help of four Members of the Assembly and one Member of the Council of State conducted the inquiry The Honourable Sayyad Raza Ali was the Member from the Council of State who was on the Frontier Committee Then here is our friend who comes from the same province as I come from—I cannot call him a mere friend, but I should call him a family friend, because not only have we been friends for a long time, but my forefathers and his forefathers have been friends I refer to Diwan Bahadur Rangachariar Now the difficulty lies in some wranglings Of course I do not say that there should be use of any unparliamentary language Sir, my family friend and the other gentleman who is now holding the post of Member of the India Council, I mean Mr Samarth, have recorded a minute of dissent which covers about 120 pages, whereas the Majority Report covers only 30 pages But the Majority Report has got quality in it, whereas the Minority Report has got quantity (Laughter) Yet, I do not see any reason why the President of that Committee should hesitate to support me I am not justified in saying that he would not support me On the other hand, I hope he will bring round all the other Members of his Government to uphold his cause and to support him to the last I may say that my Resolution is the touch-stone which is calculated to test the sincerity of the Government (*An Honourable Member* “Has it not been tested before?”) My Honourable friends over there ask me whether it has not been tested before (*Mr M K Acharya* “And failed”) and whether it has not failed several times and whether there is any necessity to repeat the test on this occasion I say this to them in reply They say so many things about the Pathans and the Afghans They eulogise them to the skies They say they are the gate-keepers of India They do recognise that but for them the result of the Great Indian Mutiny would have been different They state that it is they who helped them when they were passing through a great crisis It is they who came to their rescue during the Great European War And what does our friend say with his signature

have no faith in tall talk You may have heard the name of one poet, Sadı Sadı and Hafız are names familiar to every one, he he a Muhammadan, a non-Muhammadan or European What does he say?

"Tho chiz teera-i-aql ast dam faro hastan,

Ba nakhtai guftano guftan ba nakhtai khamooshu "

"Two things are calculated to tell upon our brain, to keep quiet when we are obliged to give expression to our views and to talk unnecessarily when no speeches are necessary "

If Madrasis are not good speakers they do not care to be good speakers (Laughter) We may pride ourselves on having produced so many Madrasis (pointing to the Madras benches) here and yet no mention of Madras was made by my friend

Maulvi Sayad Murtuza Sahib Bahadur Sir, I promised the House that I would furnish them with certain facts and figures concerning the North West Frontier Province The population of that province is about 22 lakhs Muhammadans form 91 or 92 per cent, and the Hindus and Sikhs together form 8 or 9 per cent Now, as regards this, I have to place one fact before you I come from a province where we are 7 per cent and 93 per cent are our non-Muslim brethren, and yet both communities live there very happily There is no Hindu-Muslim question there We respect the feelings of our Hindu brethren there and they reciprocate the same feeling towards us But here I see that even this question which has nothing to do with the Hindu-Mussalman problem has become very sensational Articles after articles are appearing in the Press Meetings after meetings are being held and there are counter-meetings after counter-meetings Telegrams are pouring in, and to day, Sir, while I was coming to the Assembly, I received a registered letter I thought it contained something (*An Honourable Member* "Currency notes") yes, currency notes (Laughter) What it contained was a passionate appeal to the effect that I should advocate the cause of those unfortunate and unhappy men, to whose unhappiness reference was made in our national assembly, that august body, by my beloved sister, the President of the Congress this time Though it was only a passing reference, yet it was pregnant with meaning It appealed to the hearts of everybody

Mr. K Ahmed (Rajshahi Division Muhammadan Rural) Quote the reference in the papers?

Maulvi Sayad Murtuza Sahib Bahadur My Honourable friend is a close follower of the papers and yet he does not remember it So, Sir, I will also make a passionate appeal to our Hindu brethren Just as we do not have any Hindu Mussalman question there, you need not entertain any apprehension regarding any difficulties If you prove to us that your apprehension is real and not sentimental, I will be the first to start to-morrow for the North West Frontier Let us have a round table conference among the Mussalman and Hindu leaders Why do you entertain such fears which are uncalled for? We want to see Mother India get freedom and they are the freedom-loving children of Mother India, I mean, the Pathans, the Afghans How are you justified in putting obstacles in their way? Don't you know that by putting obstacles in their way for their elementary rights of citizenship, you will be weakening your own cause? If you are true sons of Bharata Mata, prove it to us, especially at

this time, Sir, when our national affairs are being presided over by my beloved sister

Mr President Order, order

Maulvi Sayad Murtuza Sahib Bahadur We should not give room for any heart-burning among the Frontier people I would request her to go with us and other Hindu leaders also All these questions could be very amicably settled I am sorry that the nationalist paper, the only nationalist paper here is unnecessarily writing articles after articles about this question The other day I had a private talk with Lalaji He said "Don't you make it a Hindu Mussalman question "

Mr President Order, order The Honourable Member is not justified in referring to private conversations here

Maulvi Sayad Murtuza Sahib Bahadur I also give you the same advice I hope my advice will be heeded by the House and the question will be handled according to its own merits Now, I will confine myself to certain extracts I do not want to take up any more of your time I have already made an unnecessarily long speech Some of our friends think that if the Frontier Province is given reforms it will become a political danger That point has been fully met in the Report of the Majority When you have a race which is prepared to lay down their lives to safeguard the interests of India, nay, to defend India, to defend the whole of the Empire, how can it prove a political danger? You have tested their loyalty on more occasions than one You have testified to their devotion to the cause of India They have proved themselves thoroughly loyal I may even go to the extent of saying that they have proved themselves more loyal to Government than to their Creator I do not think that my Muhammadan friends from the North-West Frontier Province will take it ill What I mean to say is that they have for the sake of British Government even fought against the Turks, for the prosperity of whose kingdom they were praying in their mosques every Friday They fought against that nation, Sir

Mr K Ahmed Hear, hear

Maulvi Sayad Murtuza Sahib Bahadur And yet you have not given them the Reforms

Mr K Ahmed What a shame!

Maulvi Sayad Murtuza Sahib Bahadur Quite so, Sir It is a shame I may even say it is a disgrace

Mr K Ahmed A monstrous shame!

Maulvi Sayad Murtuza Sahib Bahadur But we should not jump to the conclusion just now that we would not get the support of the Government I have made out a strong case so that those who are sitting on the Treasury Benches should necessarily support me

The other day, Sir, a deputation of 55 leading Muhammadans representing all the five districts of the North-West Frontier Province waited upon the Chief Commissioner of the Frontier Province Among other representations, the first and the foremost was that relating to the introduction of Reforms into that province I do not deem it necessary to

read any portion of the address, which is a long one and which is in Hindustani. But I will just read out a portion of the reply. It runs as follows

"The first question you raise is that of Reforms. You are aware that I signed the majority report of the Frontier Committee and I adhere to the views I then expressed."

I hope the same view will be shared by the President of the Committee

Sir Denys Bray (Foreign Secretary) What view, Sir?

Maulvi Sayad Murtuza Sahib Bahadur The view of the Secretary who was one of the members of the Committee. The reply goes on thus

"The orders of the Government of India on that Report are still awaited, but it is common knowledge that one of the difficulties in the way of grant of local self government to this province is the financial difficulty."

This difficulty they have themselves solved, Sir. They say that if the Reforms are introduced into the North-West Frontier Province there will be a recurring expenditure of Rs 1,13,000 and it would not under any circumstances exceed Rs 1,25,000.

Sir Hari Singh Gour (Central Provinces Hindi Divisions Non-Muhammadan) There is a deficit of 2 crores per annum.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province Nominated Non-Official) That is on the Imperial side, Sir.

Maulvi Sayad Murtuza Sahib Bahadur Crores and crores of rupees are being spent on the Frontier. As a member of the Public Accounts Committee I wanted to put some questions even yesterday. I did not, however, do so because only the other day my Honourable friend over there was heckled on this very subject and I did not want to add to his difficulties. (Laughter) The reply runs on

"Even after deducting all charges connected with the Frontier tribes and the defence of the border the revenues of this province cannot be made to balance the expenditure. No way out of the constitutional difficulty involved has yet been found. I shall refer to this subject later on."

I would request the Honourable the Home Member, whose absence from the Chamber is keenly felt by me, to let the House know what decision has been arrived at on the Report of the Majority of the Frontier Committee. Sir, I have also received many telegrams from the people of the Frontier Province, one of which I must read out to the House. You will see how appealing it is, how pathetic it is. Can any son of India ignore his duty after becoming acquainted with the contents of this telegram? It runs

"Think of mother India. Do not deprive us of our just rights. Whole of Frontier expect you to purge yourself from undesirable influences."

Mr S C Ghose (Bengal Landholders) Where does it come from?

Maulvi Sayad Murtuza Sahib Bahadur It comes from Char Sadda.

Mr S C Ghose Not from Calcutta?

Maulvi Sayad Murtuza Sahib Bahadur No. It comes from Char Sadda. You can satisfy yourself by having a look at it. Perhaps my Honourable friend wanted to weaken my case by making the House understand that I am reading from another telegram which has no bearing whatever on the subject under discussion.

Mr S C Ghose I did not mean that. You are quite mistaken.

Nawab Sir Sahibzada Abdul Qaiyum If the Honourable Member wants to read the literature on the subject, I will hand over to him all the telegrams that I have received

Maulvi Sayad Murtuza Sahib Bahadur I know, Sir, that unnecessary apprehensions are being entertained in some quarters. But I hope, although I am not a lawyer, I have made out a sufficiently good case in support of my motion. So, I expect that all the Honourable Members of this House will give me then solid support. My Resolution, when passed and given effect to, is calculated not only to improve the condition of the Frontier people but also to bring about our own national salvation. If the Frontier does not get Reforms, what further instalment of Reforms can you possibly expect to get? Government themselves say that the people of the Frontier are the gate-keepers and that they have been proving themselves loyal from time to time, yet nothing has been done for them. So, you should all support me whole-heartedly. With these few words, I commend my Resolution for the acceptance of the House.

Nawab Sir Sahibzada Abdul Qaiyum Sir, it is very seldom that I rise in this House to speak on motions. But here is a question which affects my own Province and I hope I shall have the indulgence of the Chair and also the patience of the House and that my remarks, whatever they may be, will not be treated like the supplementary questions of the Honourable Member over there, or the speech of another gallant friend of mine.

Sir, the question of Frontier reforms has now been before the House for a very long time. Question after question has been put on this subject in this House by Members of this House and the only reply that has ever come from the Treasury Benches is that it is under consideration. I wonder when that consideration is going to finish.

Mr A Rangaswami Iyengar It is still going on.

Nawab Sir Sahibzada Abdul Qaiyum Only the other day Mr Jinnah asked for some sort of approximate date on which we could expect some definite reply.

Mr K Ahmed And I said "Never."

Nawab Sir Sahibzada Abdul Qaiyum And if I remember rightly the reply was that we may hear something more definite to-day.

Mr A Rangaswami Iyengar Not yet.

Nawab Sir Sahibzada Abdul Qaiyum The question is now going to be discussed in this House and I hope that we shall get some hopeful gesture, as it is called, from the Government Benches. I hope that definite gestures will be forthcoming to-day. Sir, it is not lack of confidence in the present administration that moves me to support this Resolution. Our administration is as good or as bad as any other administration in India. Our officers are quite capable, they are of the same type, very fair, very highly educated and quite alive to their sense of justice, as in any other part of India. Nor again is it the voice of a discontented man, who rises to-day to ask for these Reforms. I have been one of the most

Mr A Rangaswami Iyengar Conservative?

Nawab Sir Sahibzada Abdul Qaiyum I have been one of the most favoured persons, who has access to the offices and the counsels of the local

authorities from the Chief Commissioner down to the Assistant Commissioner. It is not the voice of a discontented man or a disappointed man in service or of a seditionist or of an agitator. It is the voice of a loyal and faithful servant.

An Honourable Member An ultra-loyalist

Nawab Sir Sahibzada Abdul Qaiyum Who according to the official authorities has been given the credit of having done his part fairly well on the Frontier during his long life. I do not complain that I cannot have access to the head of my province and bring the grievances of my people before him. I have the opportunity of such access as many others of my countrymen have it too. The doors of the high officials are open to all of us. But what I really feel is this, that that is not enough. I do not want individuals to visit the authorities and lay their views on public matters before them, because if every body visits them and voices his opinion, there is the fear of their saying things against one another, as is the custom of not only of Afghans but also of Indians and of Orientals generally. You represent your views in one way, the other man represents his views in another way, and you naturally influence the opinion of the authorities in an irresponsible way, which of course is not a very sound or safe method. What I really want is a sort of council, call it an advisory council, if you like, though this term does not sound so well as a legislative council. That is the council I want—but I want a council in any case—a council where we could debate important subjects connected with the Province and lay the united opinion of the people or the opinion of the majority before the administration and to secure the right decisions of the administration in that way. And that is why I am supporting this Resolution. There is one thing, Sir, which I must make clear to this House, and it is that I am not a great believer in these reforms and in these councils. I have said so before the Inquiry Committee, which sat in the North-West Frontier Province. I was the first witness before that Committee, Sir, and I laid this matter quite bare in my statement before the Members of the Committee. I said that I was not sure if the Councils elsewhere had done any good to the country. I would rather say that they have been bones of contention, scraps dropping from Heaven, set people fighting among themselves. So, I am no great believer in these Reforms myself. There is no reformation in these reforms. I know the mentality of the majority of Members here from my two and a half years' experience in this House. If in spite of these reforms you cannot pass a Resolution to put a stop to beggary and—what was the other word?—vagrancy, what can you expect of them? If you cannot pass Sir Hari Singh Gour's Age of Consent Bill asking for the raising of the age by a year or two, what can you expect of them?

An Honourable Member We did pass it

Mr A. Rangaswami Iyengar Thanks to the Government

Nawab Sir Sahibzada Abdul Qaiyum I do not believe in their sense of reformation at all. You do not know what may happen to you on a Bill. You may discuss it, you may come to the end of the Preamble, you may convince the House of the reasonableness of the Bill, but when the final voting comes, off the Bill goes. Some funny thing happens—I do not know what it is—and the whole thing is exploded. India is composed of

numerous nationalities, castes, creeds and religions. If anybody can reform Indians, it is a man like Lenin, who may lead them to hell, or Kamal, who may take them to a rational heaven. Some such reformer is wanted. Unless you can find such a man, you cannot bring about any reformation in this country. Some people will say it is good to marry, some will say it is good to remain bachelors, some say polygamy is bad, some say monogamy is bad, these communal troubles and other differences cannot be solved by debates in this House. It requires a strong personality and not a person with soft ideas. What has your greatest reformer, Mahatma Gandhi, done? Poor fellow, he could not even bring about a uniformity of head dress. He could not persuade me to take off my turban and cannot persuade my friends over there to take off their caps and wear my turban. Poor fellow, he has failed, and if he has failed nobody else can do much with spiritualism, lectures or with teachings. As I have said, somebody like Lenin and Kamal might do it and send Indians to hell or heaven.

Mr President Will the Honourable Member come to the Resolution?

Nawab Sir Sahibzada Abdul Qaiyum I am coming to the Resolution, Sir. I say that these reforms do not meet with my approval, but what can I do? A line has been chalked out for India, by which we have to march and reach the goal (*Mr Jamnadas M Mehta* "Cross the line"). That is the difficulty which persuades me to support this Resolution. And what is that line? That line is the line of constitutional advancement.

Mr N M Joshi (Nominated Labour Interests) Are you forced to adopt it?

Nawab Sir Sahibzada Abdul Qaiyum I am forced to it, that is the position. If it is possible to go back to the old days of anarchy and the feudal system, perhaps I might have taken that line by natural instinct. (Laughter) But it is not our line now. I am only shown this line by which I can reach my goal. Sir, we are all school fellows in the school of India. At one time we were in the Punjab reading in the same class that is I was reading say, in the fifth class, along with my Punjabi friends who are promoted now, the class was too cumbersome, it had to be split up into two sections, one section across the Indus and the other section cis-Indus. One section is being promoted over the other, or rather has been promoted, and the other section is being left there. Can you imagine, Sir, the state of our feelings? Suppose that after 1929 a Royal Commission comes, which, I hope, will not come. (Laughter), Yes—unless we improve it is not the time for a Royal Commission to come, *is it*, so long as we discuss matters in this spirit on the floor of this House. (Laughter), but my difficulty is, if by chance that Royal Commission comes and something is decided upon in the way of further advance, where shall we be? You will say "You have not exercised the third class power and so we cannot give you second class powers." Will they not say so in their Report? Well, that is my difficulty. We will be put really in a very bad position, and the position will not be of our own creation. We did not wish for separation; I do not consent to re-amalgamation. There was the necessity of creating this separate province, a real necessity which is mentioned in the Inquiry Committee's Report, for the purpose of the more effective defence of India and for the defence of members of this House! We were used as a cat's paw and linked with the agencies. Now, why should we be treated like that?

I cannot understand it. It is not only the reforms that we are losing, it is the canal lands that we have lost. Have you ever thought of that? Simply by a stroke of the pen we have been declared not entitled to any share in the canal lands that are being brought under cultivation, in the Punjab, simply because we form a separate province (Mr C S Ranga Iyer "Shame") That is the material loss that we have undergone.

This is my difficulty. Big people with traditions, historical traditions, mutiny traditions, Kabul war traditions and various people with meritorious military service records are now cramped into a small tin like so many fishes, everybody wants something while there is nothing to be had, in the small area, so long at least. With the rest of India, we had scope for our vitality—I should call it, we were almost equal to Europeans, we required just a bit of education. I remember when my class fellows left the school they had nothing in their pocket except entrance pass (examination). With that pass examination, Sir, some of us became judges and did fairly well, others became politicians and they too did not do badly—I am not going to praise them—but they did fairly well with their limited education. There was some scope for the ability which they possessed, it was no great intelligence, but what I would call "common sense." That is how we really feel depressed. I challenge the House to examine the work of these officers—the records of their judicial and executive work, and see how they stand as compared with down country officers. They will find these records not inferior to any records in any other part of India. We compile our records very carefully, we take the same evidence, it is the same law which is being administered. But this is not my chief reason. The chief reason as I have told you, is that we are going to lose in material. I have quoted to you the incident of the canal lands and of the limited chance of service on the Frontier. Well, Sir, this much for my plea for asking for these reforms. I will not say more on this subject because I want to give an opportunity to people who come from outside the Province. My view may be considered partial, so I do not want to take much of the time, I will give an opportunity to the other Members of the House to speak on the subject. I will simply come to my case in this line.

Sir, some years ago there was a movement from the opposite Benches, from that corner over there, from my venerable friend, Sir Sivaswamy Aiyer, certain Resolutions were moved in the House. I had not put in an appearance here then. Many of these Members were not in existence then. Diwan Bahadur Rangachari was there. They thought something was wrong with our Province, they started a movement for this and that, for judicial amalgamation and various other things, until Government made up their mind to send a Committee to the Frontier and find out where the disease lay and what the remedy for it was. Sir, they inquired on the spot, they came to certain conclusions, and they laid their conclusions before the Government of India. They have been before them under consideration—since when?—since 1922 up to the beginning of 1926. No thing definite has been heard about those recommendations from the Government as to what action they propose to take on them. My friend Mr Ahmad Ali Khan has quoted certain passages from the Report, and if you want me to quote more, I will do so—I would have even come forward with a written statement. But I thought that a written statement would have no effect in this House, otherwise I would have laid all the facts and figures before you. Nor do I think that facts and figures go a long way in

this House (*An Honourable Member* "You are wrong") So I do not attach any importance to written statements or to facts and figures

Mr K Ahmed But you are an author of them

Nawab Sir Sahibzada Abdul Qaiyum And you, Sir, are, I believe, a supporter of these—Sir, para 38 of the Report says that we are capable of doing everything which the people of the other provinces can do. Then para 28 says what will be the result if the legitimate aspirations of those people are not paid heed to. Sir, the result or the consequence is also stated there and I will not repeat it. I do not agree with their conclusion that there will be a turning of our faces to the west, or that there will be a revolution, for if we had the will or the wish to turn our faces to the west, who was there to prevent us from doing so when we had a thousand and one opportunities before us. I wonder if the Honourable Members of this House know that there is a great distinction between an Afghan and a Pathan. The Afghan has naturalized himself as a Persian. He speaks the Persian language and has adopted the customs of Persians. He is quite separate from the Pathan. The Afghans say, if something goes wrong, "*Afghani sheed*"—they say this simply because we are a different element. Well, Sir, can the Honourable Members occupying the opposite Benches say that we are not Indians, that we are not part and parcel of India, that we have our sympathies more with the Afghans than with the people of these parts? Have we not fought against the Arabs? Have we not fought against the Turks? Have we not fought more than once against the Afghans themselves? Who defended the borders of India in 1919 and who has got the credit for it? In these circumstances will you not call me an Indian, even if I happen to oppose you? How many lives have we sacrificed for the purpose of defending the frontiers of India? Are not the bones of my forefathers lying in the soil of Delhi? Are not the bones of a thousand and one Pathans and other tribes lying in Delhi? Have not the Lodhis, Shershahis, Sherwanis and other tribes settled down in India? Then, why cannot a man coming from Peshawar be called an Indian if those people can be called Indians? Sir, I claim to be an Indian, and I claim my Province to be a part and parcel of India. I have submitted to all your laws including the Indian Penal Code. All that I now ask is this. Why do you not apply another Act to our Province which is called the Government of India Act? What is there to prevent you from applying it to our province? You call this Act the Government of India Act. Why should you not extend it and apply it to the frontier when you can apply the Indian Penal Code to us? I say, Sir, that you have no right to apply any law to us unless you consider us as Indians, unless you consider that we form a part and parcel of India. I have thrown in my lot with you for ages and centuries, and as the Persian proverb says

"*dar mian i qa'ar i dariya takhta bandam karda n,
baz megoi ki daman tar mahun hushyar bash*"—

"You have thrown me in the sea, whether for good or bad, and still you say keep yourself aloof, do not soak your clothes with the water of the Indian ocean." It is really a funny argument. I want this House to remember the fact, Sir, that we have fought your battles across the border and in this very city of Delhi. Nicholson was our leader and not yours. He came here with the Yusufzais and there are a lot of Yusufzais over there in the galleries whose relations came and joined him in defending Delhi.

Sardar Bahadur Captain Hira Singh Brar (Punjab Nominated Non Official) And not the Punjabis?

Nawab Sir Sahibzada Abdul Qaiyum: Yes, the Punjabis too fought, but you are enjoying the fruits of your labours, while we are not enjoying any thing That is my reason Well, Sir, I would appeal to the House not to treat us as aliens or strangers in this country There is a proverb "*mal-i-bad barish i khawand*" or something of that sort I do not know that proverb well, but perhaps my friend the Maulana can correct me If we are bad or undesirable, then the best thing is to leave us alone But we do not want to leave you and go away I want you to treat us as your brothers We are supposed to be your watchmen, just as you employ Pathans in Bombay or elsewhere as watchmen Mr Chetty, I believe, has got some of them, and I believe the Panditji has also got some

Mr President The Honourable Member should realise that the Chau has allowed him double the time that he is entitled to, and he should now bring his remarks to a close

Nawab Sir Sahibzada Abdul Qaiyum. Thank you, Sir, I will just finish I am sure I have gone astray, but I shall finish now What I say is, Sir, that we want to be your brethren Give us the education, give us the same laws, give us the same training that you get and treat us like your brethren Do not treat us like step-sons or half-brothers What will be the result if you elect to rule us by the rod? There is a Pushtu proverb which says that even a discontented wife can make you uncomfortable in a house, she may not prepare your curries well, or she may not even smile at you when you enter your house Well, what I say is, please do treat us kindly and well

Sir, there are certain amendments suggested to this Resolution, and I think it is very necessary for me to make my position quite clear about them Nothing short of a separate Council can satisfy the wishes of the frontier people We can give you a blank cheque, if you like, to do whatever you think best or whatever you consider necessary for the protection of the minorities After all, we have got some people who are in the minority in the South of India You will not be just if you show a different sort of treatment to us You will not be so unjust as to frame a different set of rules which would give a different meaning But please do not bring in this excuse that you are prepared to give us a moon in the sky which will not be achieved at all, or that you will give us Swaraj or autonomy, because you yourselves have not got it yet Don't tell us that you are going to reamalgamate us with the Punjab, because that is impossible, (*An Honourable Member* "Why?") not from the Government point of view alone, but from the point of view of local conditions also, because we are your barrier We are just like a cat's-paw between you and the trans-borderers and we serve your purpose If it had been in my choice alone, I should have been quite in sympathy with this amendment and I should be glad to go and live in some hill station in the Punjab But it is not possible and feasible, because we have got our kinsmen across the border and if you devise some other line besides the natural Indus line, then you divide the country at a place where you will have perhaps to build a China wall and not even a China wall will save all those troubles You can only find a barrier against them through our civilisation, education, and treating us like brethren What have you been doing? The Hindu Sabha says

there are some fears I cannot understand what the fears are One thing which really pains me and hurts me is when we are told that there are some secret societies of Mussalmans What for? To overthrow this mighty British Government or to extirpate the handful of non-Moslems? If we are overthrowing this mighty Government all that we have to do is to cross the border and join the Mahsuds and the Afridis, and fight it out with the Government But we are fighting against these very Mahsuds and others I put a question to the Honourable Members and ask them as to how many lives have been lost in defending them Sir, there is no question of our overthrowing this powerful British Government If you say that we want to extirpate the handful of non-Moslems, it is ridiculous It is the minority and not the majority that goes in for unconstitutional methods We can, and are fighting them constitutionally, why should we resort to secret societies? We have been living most peacefully with them in the transborder area Yes, we have been living most peacefully I have got a collection of my Hindu brethren in my own village Just ask them how I am treating them or how they are getting on with me Really we cannot do without them They are our bankers, they are our trustees If I want to deposit money, I will not deposit it with my friends in those galleries I will deposit it with one of my Sowcars I keep my account with my Hindu brethren My private "Hakim" or family doctor is a Hindu brother Once I had a little *barampta* of Hindus and it was through them that I gained my object across the borders, simply because the tribesmen for the Hindus sake united in taking action against the bad characters There, Sir, can be no question of the extirpation of the Hindus If we extirpate them, what are we to do? Then it is said that there is fanaticism Fanaticism against whom? The old fanaticism even against the Britisher has disappeared There have been no outrages for ages now What fanaticism can be there if there is a separate electorate and separate representation? Who will fight the Hindus They will have their own representation and we shall have our own representation If we fight among ourselves it needs not worry them Suppose we are fighting against one another it does not really hurt them They will be quite safe As a matter of fact there will be one party in their favour There can be no question of trouble on that account

Dr K G Lohokare (Bombay Central Division Non-Muhammadian Rural) Sir, the amendment that I have given notice of is as follows

"This Assembly recommends to the Governor General in Council that he be pleased to arrange to amalgamate the settled districts of the North West Frontier Province with the Punjab in order to secure for the people of these districts the benefit of the Reforms"

However, Sir, I see before me another amendment with the last clause cut off I was not much in love with that last clause I thought it would make the proposal relevant to the point under discussion and I inserted it, but I shall be pleased to move the amendment without that clause if the Chair permits me to do so

Dr K G Lohokare I am moving this amendment not with any communal motive or as a bribe from anybody I have put this amendment with a certain view I hold on the question From the impressions I gathered when I was in contact with the Pathan regiments so long ago as 1904-1905 (*An Honourable Member* "Too old!"),—those were the days when this North West Frontier Province was just separated from the Punjab

INDIA'S PARLIAMENT

[PART I.]

Dr. K. G. Lohokare. The impressions that I gathered in those days and the further literature which I have studied on the subject have led me to believe that in present circumstances this was the only solution

Dr. K. G. Lohokare. Yes, Sir, I have read the current literature, and my impression is that since that time there have been certain developments during that period which have a very lasting effect upon the future of India. I mean the present Curzonian inheritance. This event, Sir, the separation of the North West Frontier Province from the Punjab is one of the Curzonian inheritances that we have before us, whose fruits we have now been preparing to enjoy along with such others of the same kind. So far I have not expressed and I am not at all inclined to express anything against the legitimate desire of the men of the North West Frontier Province of getting a share of the Reforms. I do accept that they ought to get a share of the Reforms like other parts of India, but at the same time, Sir, the circumstances of this Province are such that it lends me to believe that the solution of this question lies in getting the province retransferred to the Punjab so that they may get and derive the full benefit of the Reforms. The separation of this Province came about in 1901. We have this Report before us, which puts it down not only as a settled fact but as an irretrievable measure. The Frontier Provinces Amalgamation Report. That principle, Sir, the principle in the pages of the Majority Report. That principle, Sir, the inseparability of the settled districts of the North West Frontier Province from the tracts in the Frontier Province. That is the principle which is upheld in this report. It was this principle which was advocated in 1877. Politicians of imperialistic views wanted this principle to be introduced into the political goal of India in order, firstly to be able to obtain possession of as much more country as possible and secondly to settle the Frontier problem once for all. This is known as the "forward policy."

(At this stage Mr. President vacated the Chair which was taken by, Mr. Deputy President, Diwan Bahadur T. Rangachariar.)

Imperial politicians holding these views took the forward policy in hand and tried to push it through in India at the expense of the Indian exchequer whenever they thought it best to do so or whenever opportunity offered. Subsequent Viceroys have tried to check that policy sometimes, but every now and then the hand of Imperialism shoots forth, and we see the result of it in this separation of the North West Frontier Province from the Punjab. In 1901 this Province was separated at the express desire of Lord Curzon in spite of the dissenting minutes of the councillors of the Government of India and in spite of secret military despatches criticising this policy. Yet the policy was pushed through and the Secretary of State sanctioned it as a temporary measure providing that after some time the experiment should be reviewed. A committee was, however, appointed at the instance of this House and the result of the work of the committee is here before us, and the same principle is once more being affirmed—the principle of non-separability of the province from the tracts. And what is the cause, Sir? The Majority Report gives us the reasons. The people are one. That is one reason given. But everywhere people are one, in other countries people are one also and the people of the northern Punjab Districts and this province are one too. But there is another reason. From the hinterland the political officer

has to control the forward policy. It is the "forward policy" that is to be continued to be pursued. It is absolutely necessary,—the majority think, that for this purpose, the political officials and the military officials should be in the hinterland, and they should pursue that policy by means of stratagems such as tribal subsidies, tribal militia and such other means. These stratagems are not now new in the history of India. They were first begun by our well known friend General Dupleix. Clive took advantage of it and keenly followed it, and we Indians have been victims of these stratagems every now and again. The policy that was to be adopted was this, that by means of subsidies and the local militia acquisition of new territory was to be pushed, with political officers and military commanders in the rear. I sincerely congratulate my frontier province countrymen on their success in keeping themselves out of the net of these devices. This forward policy was subjected to criticism and consequently the amount of money that was being spent from both the Indian and British exchequers upon frontier invasions had to be stopped. And where are we to-day? In 1877, Lord Lytton wrote that despatch. In 1891/92 imperialist politicians had the upper hand and the Durand Commission settled the Durand Line, and with that Durand Line decision the British Government took under their protection or rather assumed responsibility for certain tracts known as tribal tracts. That was then a settled fact, but after 1893-94 after the Durand line was a settled fact, the theory of the forward policy had to be kept in abeyance at least. I cannot say because I do not know whether it has been absolutely abandoned, it is not publicly known yet if it is abandoned, but from the results I see it is at least in abeyance. The policy is now not there. The prop that you wanted for that forward policy was that you wanted to keep yourselves in the districts behind, the purpose—the policy—for which you introduced these tribal militias and tribal subsidies is gone, the forward policy has gone and yet you maintain the hinterland base that was necessary to push that policy.

Secondly, it has to be noted whether that structure has been successful in attaining the purpose for which it was created. That is a question. What have these tribal subsidies done? Have they had any effect on the tribesmen in the way of securing the purpose of tribal militia and tribal contentment? That is the question. I have to reply to this, and I rely for that upon the strength of this Report. You will see yourselves from this Report at pages 137, 138 and 139 that in 1905 these tribesmen had about 20,000 rifles. By 1920 the number of their rifles rose to as much as 140,000 (*Nawab Sir Sahibzada Abdul Qayyum* "Self manufactured rifles"). What of others? And for that manufacture at least whence did the money come? That is the question. The argument is you want domination from the districts, in order that the tribesmen may be watched when they come down for the sake of purchasing commodities in the bazaar, there you want to put him down and catch hold of him. You want economic domination. We must know then whence he gets the money. (*Mr M. A. Jinnah* "How would you remedy that by amalgamation?") I will tell my Honourable friend how to remedy that. Stop subsidies. What I mean is this has that system of tribal subsidies succeeded? That is the question. If my friend would be prepared to prevent these tribal subsidies. (*Mr M. A. Jinnah* "How would you prevent it?") That is the problem there and there lies my charge, Sir. (*Mr. A. Jinnah* makes an interruption which was inaudible) Amusement.

purpose for which this variety of forward policy devices were started was to control from the interior the forward districts and to humanise the tribesmen. Whether that policy has succeeded in humanising them is the question. Whether by contact with a reign of terror we may succeed or whether by contact with highly organised civil government we can succeed is the question. The present administration is a political domination, full political control and full military law, so that on the spur of the moment any orders may be given either in the tribal territory or in the settled districts. Well, the situation cuts both ways. If you want to control tribal territory, why do you treat Peshawar and the other places in a way that they do not deserve? There is a little incident that I remember. In my younger days I took up the teacher's line and I had to teach a big zemindar's son. That lad would not learn well, he had a poor boy alongside of him as his companion and then when I told the zemindar that his boy would not learn, he wished me to scold this poor boy in order that his son might see how the other boy was being treated and that might do him good. Is that the idea in that political and military domination Sir? Because the tribal men are unruly, therefore punish these local peaceful men and put them under a reign of terror so that you will, as it were, be able to terrorise the tribesmen? Is that the idea? (Mr K Ahmed "That is your own prescription, Doctor, not ours.") That is the prescription laid before me which I am simply reading. Is that prescription, as my friend described it, going to humanise these tribes? Well Sir, I am doubtful. The results so far show otherwise. What is the number of crimes? The statistics show the Administration Reports show. What is this increase in crimes due to? Is it due to a more general moral depression of the whole of mankind or is it due to depredations from outside of some persons migrating there, or is it due to incentives of this sort of reign of terror? What is it due to? Have you succeeded in your humanising influence? That is the question I want to ask. If at all you care to bring these people under humanising influences the only remedy is to put these districts on one side of the yoke along with the adjoining province districts on the other side with which they were before, namely, the adjoining districts of the Punjab and the van of peace and progress will smoothly run. That is the only way which you will be able to humanise the greater part of the population here and create an incentive in the minds of the tribal people to pursue peaceful occupations and a settled life. Settled life and healthy occupation has to be shown as a model lesson in the neighbourhood. The tribes will then alone settle down. If you are not prepared to do that, you will have to accept the results shown here. And what are those results? Nomad life and crime! You say you have incurred expenditure on education, you say you have incurred expenditure on sanitation, but in spite of this enormous amount of expenditure what is the result? In spite of this top-heavy expenditure, what is the result? That is what I want to inquire. Surely, if with all this double and top-heavy expenditure the result is not there, I think the ground of the argument of "inseparability" is completely washed off and you must be prepared to take these districts over from the North West Frontier Province and hand them over back to the Punjab.

Thirdly Sir, the financial aspect of the separation has been shown by Resolutions that have been moved in this House and the other House some time before. I will simply point out to my friends here that forty extra executive posts have been created for the sake of maintaining the

Province independently Take the case of the Director of Public Instruction I find in this Report that for the sake of five districts there is an educational Inspector called Director who is paid Rs 2,200 to something like Rs 2,500 Elsewhere in other districts of India he is paid something like Rs 700 to Rs 800 and even in the Punjab below Rs 1,000, while you require here Rs 2,200 And yet the Director of Public Instruction may make room for allowances for the Personal Assistant he has Then, when you come to the medical service with a fat top, the subordinate medical service has a short list There is no outlet for such subordinate services under that administration These persons have to remain stagnating in the same place, the cadres being very small You cannot get fresh men, neither can those men go out if they want to, and try and find chances for their betterment somewhere else You thus spend enormously, and yet what is the result? Minus progress is the result!

Now, Sir, here is a threat put before me by my friend I say you tack them on to the Punjab and then look at the result and a threat is presented. That is a threat that did not frighten anybody before at the time of separation When this Province was taken away from the Punjab, how did my friend then think of this threat? Did these people then willingly agree to the separation of the province? I know it for certain that from 1903 to 1905 the Pathan and Afghan officers expressed their strongest disapproval against the separation of the Province My gallant friend speaks only of one aspect of the matter and says that they lost the canal lands Why did you lose them? Because you were not tacked on to the Punjab If you were yoked to the Punjab, certainly you also would have got the canal lands immediately after the war Sir, by the creation of a separate Frontier Province, the people of those parts have lost innumerable advantages which are enjoyed by the people of the Punjab They have lost Sir, many valuable advantages Some of the people did not evidently realise this difficulty at the time of separation and that was evidently due to want of education They did not realise then that if they had continued to remain in the Punjab, which has made considerable progress in all directions, they would have had as good a career before them as the people of the Punjab are now enjoying and that they would have been able to make much more remarkable progress than they could do in an isolated territory Sir, they say the demand is for an isolated career But I am sorry to say, that, keeping in view the national aspect, keeping in view the national goal before us, considering the advance of India as a whole the demand that is now made is, in my opinion, likely to do a much more harm than good not only to them but to us as well They have been hanging a large stone round their neck and going into a tank embracing us as well so that both of us may drown together The result will be sorrow for both I therefore in my heart of hearts wish that these districts should go together that the people of both the Punjab and the Frontier should be like brethren instead of their asking for a separate Council and working in an isolated manner I have put before the House my own idea on the subject, so that we may find out a proper way together If my friends think Sir, that it is communal feeling or communal bias which has prompted me to take part in this debate I should request them kindly to believe in me and permit me to say candidly that I have no such feeling Believe me Sir when I say that I am not in sympathy with any of the attempts of organizations which rouse communal bias or communal jealousy, nor am I an advocate

such sentiments I, therefore, appeal to the House that for the common good of this country, for the common interest of our country, for the common defence of India, the districts of the North-West Frontier Province ought to be with the Punjab. They ought to be under the same rule of the Punjab Government, so that the people of the advanced province like the Punjab may take their brethren with them and the combined progress of both may be accelerated. It is with that view, Sir, that I move my amendment.

Sir Denys Bray I bow to your ruling, Sir. Mine has been a very pleasurable surprise this afternoon. From the rumblings that came from the many amendments, I expected the debate to run on somewhat different lines this evening. And I think it is largely due to the example set by my Honourable friend the Mover that the debate has proceeded with such an air of good humour and unanimity. It reminds me of that tag from one of Sheridan's Plays

'When they *do* agree upon the Stage, their unanimity is wonderful.'

The Honourable the Mover threw out a somewhat personal challenge to me. He wanted to know what my own views were and whether I stood by them. Of my own views on the many problems that faced us on the Frontier Inquiry Committee, I have no secrets to reveal. They stand plain and large in the Majority Report—too plain and too large, some have told me. Since that Report was written over three years ago, there have, it is true, been happenings, in this great country which, had I to put my signature to the Report to-day, might lead me to tone down a little here, to brighten up a little somewhere else. The high lights might be softened, the shadows might possibly be deepened, but the outline would remain the same. And the outline as depicted in the Majority Report is surely plain enough. In one matter assuredly there would be no change. Throughout the Report there rings one dominant note—that this North-West Frontier is an All-India concern, that its problem is an all-India problem and has to be treated not parochially but Imperially. You must think Imperially on your frontier matters. And if you think Imperially, you will be forced to eschew slight and easy decisions which communal or other bias may lightly suggest. You must look at both sides of the question. Heaven knows that is always difficult to do. But here even this is not enough. You must not look merely at the outside of a question like this. You must probe into the very heart and inwardness of it.

I had hoped myself when I went on the Frontier Inquiry that it might be within the compass of my power to help in the solution of this very difficult problem. For I went, of course, neither Hindu nor Moslem, but merely as a servant of India who has spent the better part of his life on the consideration of how best all-India interests can be served on India's frontiers, and beyond. And if I was foremost amongst my colleagues in preaching that this problem is an all-India problem and must be examined not parochially or communally but Imperially, it would ill become me to complain that Government should better my instruction, and decline to take light and quick decisions on a problem so vital to all India, so difficult in its many complexities. It is of set purpose that Government have declined to hurry over a question which in its essence has taxed, indeed overtaxed, the best brains ever since the British took over the Frontier with the Punjab.

To a man like myself, who devoted no little time, Sir, to this Committee and who assisted as best he could in the compilation of its report—a report difficult to compile, somewhat difficult, I fear, to read and to master—it was somewhat irksome to a man like myself to find, that Government, of set purpose declined for instance, to allow the Report to be published for a considerable time. I admit it was irksome. Yet I admit that Government were right. There is no disguising the fact, Sir, that the question even before we faced it on the Frontier, engendered heat on the Frontier itself. It is hardly an exaggeration to say that we blazed a communal trail from one end of our Frontier journey to another. It would be idle to pretend that we ourselves on the Committee were not touched by the scorching of that heat.

(At this stage, Mr Deputy President vacated the Chair which was resumed by Mr President.)

The Frontier itself was rent in twain, the Punjab was rent in twain. And it came to myself as a great personal blow to read the debate on the controversy in the Punjab Legislative Council, a greater blow to examine the division list to find that the Mussalmans to a man went in one lobby and the Hindus to a man went in the other. I will say this of our own experience that, great though the communal division which we found, we found nothing quite comparable to that on the Frontier. This division in the Punjab Legislative Council was yet another warning to Government, another warning that on a matter like this, with its implications and its dangerous reactions, cautious deliberation was essential. Now, when the report was finally published after something like 18 months' delay, it created hardly a ripple. On all sides, Government received congratulations on the calm of its reception. The only complaints that reached my own ears at any rate were complaints from my friends in the Press that they had been deprived of what might have been admirable copy. Government had damped down inflammatory matter with the help of the all-damping hand of Time.

Small wonder that Government's success here fortified them in their decision to proceed with leisurely deliberation. It fortified them in turning a deaf ear to counsellors—I could mention one at least—who urged on them a little less deliberation. But let the most impatient of us give Government their due. Don't you think, Sir, that to Government is due *some* measure at any rate of the success of this afternoon's debate, *some* measure of congratulation for the absence of heat this afternoon over a question that hitherto has roused such burning heat? Where is the cry for amalgamation with the Punjab *now*, that cry that once was live that once rent the Punjab and rent the Frontier in twain? With all respect to my friend Dr Lohokare, with all respect to the Mover of a similar amendment to come, I can say with great certitude that the cry is dead.

Pandit Motilal Nehru So they hold

Sir Denys Bray Indeed I hardly know whether to treat this amendment with seriousness or not. For, in brief, how do we stand? I have often wondered myself what precisely provincial autonomy may mean. But can it mean *this*—that you are going to foist a province which wishes to live its own life upon a province which declines, and has openly declared that it declines, to take it over? The cry of amalgamation Sir is dead. I am almost tempted to regard my Honourable friend Dr Lohokare who now attempts to raise it as some Rip Van Winkle who all these years has been asleep. (Laughter)

Nawab Sir Sahibzada Abdul Qaiyum The papers that have been received from the Frontier do not mention it

Sir Denys Bray As my Honourable friend Sir Abdul Qaiyum reminds me, there is not a word of it in this most voluminous mass of literature I have received in the last few days from our friends on the Frontier. Nay more. There is not a word of it in the amendment of that great champion of amalgamation, my Honourable friend Mr Rangachariar himself. The cry of amalgamation is dead, and how my Honourable friends opposite can have been induced to bring it forward passes my wit to understand. Not all the eloquence of the Honourable the Leader of the Swaraj Party will be able to breathe life into those dead bones.

In passing I may remind the House of this. I have apparently been twitted with the fact that Government have not announced their decisions. Yet Government announced their decisions in this regard a full year ago. When I was empowered by Government to announce those decisions in another place, was there any communal heat engendered? Was there any great agitation seen arising then? Not a bit of it. The cry, I say, is dead.

And where if my Honourable friend Mr Rangachariar will allow me to put the rhetorical question—where now is the cry (except in his amendment) for judicial amalgamation? Here again, I announced the decision of Government against it last year, and it was received, as far as I could see in the Press and elsewhere, without a dissentient voice. My Honourable friend knows perfectly well that Government have not only announced their decision for a Judicial Commissioners Bench, but that Government hope very shortly to announce the actual appointment of a distinguished member of the Frontier Bar as Additional Judicial Commissioner. And I have little doubt that that gentleman will adorn the new Bench and in fulness of time leave it with traditions formed that the Bench will not willingly let die. (Hear, hear.)

I claim, Sir—and mine is in a way somewhat unwilling testimony—I claim, Sir, that Government have been well justified in the deliberate deliberation with which they have dealt with this potentially dangerous case. And what still remains of the Majority proposals or, let me rather say of the proposals of the Committee as a whole? In essence nothing but this—the question of constitutional reforms. Now, here, as the House well knows difficulties bristle. One has only to look at the agenda paper. We have amendments ranging from a “unitary autonomous province” to a larger representation in the Central Legislature. I do not myself propose to attempt to deal with those very large words “unitary autonomous province”, for I feel here too that the amendment has been put forward in an atmosphere of unreality. This at any rate, I can say, that not until, not unless and until, a unitary autonomous province is created—I will not say in Madras or Bengal or Bombay—but in that which I myself, with the pardonable bias of an old Punjabi, regard as the most important, the most critical province of India, not until then need we seriously consider this amendment. But take even the more humble and workmanlike suggestion put forward in the Majority Report. Even over this difficulties bristle. We confessed it ourselves in the Report itself. We made it clear, for instance, that our proposals were impossible of fulfilment without an amendment of the Government of India Act. True I myself thought I had discovered a means of fulfilling our proposals without such an amendment. But my constitutional lawyer friends scoffed at my discovery. For my solution was simply this, that we should re-amalgamate the province with

the Punjab and in the same breath cut it out again and carve it into a Lieutenant Governor's province. Yes, of course there are many constitutional difficulties. The whole subject bristles with difficulties of all kinds. There is that difficulty that has been mentioned by more than one speaker, the financial difficulty. As my friend, Dr. Hyder, has said, who on earth could ever expect the Frontier Province to pay its way? You might as well expect your army to be directly productive. But the difficulty remains, first whether a deficit province is contemplated under the Act at all, and secondly, if so, in what way that deficit could or should be made up, by an annual grant or by a readjustment of Central and Provincial headings, or how. These technical matters are beyond a man like myself. But even here we are advancing. We hope by next Budget to have got out a new major head of Border Watch and Ward, which by absorbing as far as possible the expenditure which is directed to Imperial needs, will present the true state of the purely provincial Budget in a truer light.

There is one other difficulty, which I have still to mention. It is of course ever-present to us all this evening, and that is the communal question. Well, as I suggested the other day in answer to a question, I think, by my friend Mr. Jinnah, Government have been awaiting this debate with great interest and great attention. And it is with great interest and great attention that Government will follow it, and its actions and reactions in the Press, in the Frontier, and in India at large. (Loud Applause)

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions Non-Muhammadan Rural) Sir, I have followed the debate with all the care and attention that the subject demands, and I rise to express my thoughts on the Resolution with a full sense of the responsibility which attaches to anything I say on this subject. I say at once that I am opposed to the Resolution as it stands. (*An Honourable Member* "Shame") Shame, very well, to whom? That has to be decided. The one appeal which I will make to all my friends, the Members of this House, is that they should hear what is to be said on the opposite side with patience and courtesy. Never was a subject brought before this Assembly in recent times which more deserved to be discussed calmly and to be considered dispassionately. I am not speaking here as only a Hindu. I am not speaking here as one anxious only for the fate of the Hindus who live in the North-West Frontier Province. I venture to think that the question is of much greater importance than the fate that might befall the small minority of Hindus in the North-West Frontier Province. I entirely agree with the Honourable the Foreign Secretary in the view that this is a matter of all-India importance. I also share the view that this is a matter of supreme importance to the defence of India. That being so, the ordinary canons which apply in other areas have to be applied with greater care and caution here. On the general question of the introduction of self-Government I may say that I am at one with my Honourable friend Mr. Bipin Chandra Pal, that in every place and in every country home rule or self-government ought to be the rule. But there is a very important qualification which has to be taken into account. Home rule, national government, self-government is a very civilised form of government. Even in primitive forms of society where the people were compact and united they took up home rule and enjoyed it. If there was no complication introduced by communal strife they went on happily under home rule. But, where religious or communal differences are acute,

home rule becomes more difficult. Here we are not writing on a clean slate, we are not dealing with a population which is homogeneous. We are dealing with a province which does unfortunately contain elements which are not homogeneous, and where religious and communal differences are very acute, and in considering what form of government would be most suitable for such a population we have to take into account certain hard facts. The fact of outstanding importance which has to be considered is what is the state of feeling between the two important communities which inhabit the province. Along with that it has to be considered whether that state of feeling is temporary, ephemeral, due to accidental causes which appear once in a life time, which fortunately are very rare and remote, or whether it represents a more persistent and dominating feature in the relations of the two communities there. That point of view I submit is of great importance. There are two ways in which Governments are established and carried on. One is by the might of arms, the second by the consent of the people concerned. The first is the old way when people were left to themselves. The stronger community could choose to rule over the weaker as it liked. If the minor community was able to stand the onslaught of the major community in spite of its small numbers it would subsist and live. If it could not, it would subordinate itself to the major community and adjust its relations with it. That way of deciding the fate of a people is not permitted now to exist within the dominions over which the King's flag flies. The Government have established British administration in certain parts of India. Wherever British administration has been established the rule by which the stronger community dominated over the humbler or the weaker one has been checked, put a stop to, prevented. We are considering the second form of government, government by consent, with the sanction of the sovereign power. Now the question here is what is the form of Government most suited to the province in question? The answer depends largely on what is the permanent feature of the relations between the Hindus and Muhammadans in the North-West Frontier Province. I will come to the other aspect, the aspect of the defence of India, later on, but I want, to begin with, to draw attention to the relations which subsist between Hindus and Muhammadans.

My Honourable friend Sir Abdul Qaiyum in appealing to us to support the proposal for reform said "We want to be your brethren, treat us like your brethren." I most sincerely wish those words to prove true in practice, not only in the life of my Honourable friend but in the lives of all of us, Hindus and Muhammadans, generally in the North-West Frontier Province and everywhere else. That has been our cry. I have now been in public life for forty years and I have never been guilty of desiring to promote discord between Hindus and Muhammadans. I have seldom if ever advocated the cause of Hindus as distinguished from the cause of Muhammadans either in the National Congress or the local Legislative Council of which I was a member for many years, or in the Legislative Assembly. I do not remember any time when I have entertained any thought of hurting my Muhammadan fellow-countrymen. I should be ashamed of myself, I should be ashamed to think of my God, or to appear before Him, if I ever cherished the smallest thought of injuring any of my Muhammadan or Christian brethren.

Mr K. Ahmed. Do you realise it?

Pandit Madan Mohan Malaviya Now, Sir that is the spirit in which I approach the problem But what are the facts I wish the facts were as the words of my Honourable friend Sir Abdul Qayyum would lead one to believe I very much wish they were But what are the real facts? This Frontier Province was a part of the Punjab since the Punjab was amalgamated by the British Government Up to 1901 it continued to be a regulation province Unfortunately then—as I think by a great mistake—this Province was made a separate province I think a great wrong was done to the people of the Province when that was done and the Secretary of State when he sanctioned this proposal felt that a great wrong might be done by it The majority of the Frontier Inquiry Committee quote at page 34 of their report from the Secretary of State on this point They say

'The Secretary of State, in sanctioning the general idea underlying the proposal, stated thus

'But in the case of the settled districts, which you propose to detach from the Punjab, it is clearly undesirable that the people who had already enjoyed benefits of a highly organised administration with its careful land settlements, its laws and regulations, and the various institutions of a progressive civil government, should be thrown back from the stage which they have already reached The Governor of a large province not only possesses a special and large experience of British administration but can summon to his aid and counsel heads of departments and Commissioners of Divisions whose advice may be of the utmost value The Governor General's Agent will not without special arrangement be able to count on such assistance I have not overlooked the fact that Your Excellency intends to draw upon the Punjab for skilled officers in the subordinate branches or in the technical departments But I am not satisfied that this will meet the whole case For the important question of superior direction remains to be dealt with''

* * * * *

"And finally when he conveyed a general sanction to the detailed scheme which went up in 1901, he observed

'that for the time being it could only be regarded as experimental and that its actual working would have to be carefully considered''

That was how the scheme was sanctioned, Sir, as an experimental measure, and notwithstanding the very strong opinion which my Honourable friend Sir Denys Bray has expressed to-day, that the question of re-amalgamation of the Frontier Province with the Punjab is dead, I venture to think that that question is not dead and may yet come up for reconsideration Without any disrespect to my Honourable friend the Foreign Secretary, I may say that a man greater than he once said that the partition of Bengal was a settled fact, yet settled fact was unsettled by the King-Emperor coming and laying the foundation stone of the capital at Delhi But that is by the way I only wish to draw attention to the fact that when the Frontier Province was separated from the Punjab, a great wrong was done to the people of the settled districts which now constitute that Province And what has been the consequence? Crime has increased there since that time Many other evil results have followed For twenty-five years the people of the North-West Frontier Province have been kept from the advantages which flow from a regular administration of justice and from a regular system of Government During this period their fate has been worsened I am in hearty and real sympathy with the Muhammadans and Hindus of the North-West Frontier Province in the calamity which has befallen them in their being made a separate province But now let us take the fact as it is That action has had its results The progressive and civilising

tendencies of a regular administration have not been in operation in the North-West Frontier Province for the last twenty-five years, and the administration which was put in its place has not been successful in giving them a better system. The success of an administration does not lie merely in the fact that the Government authorities are able to put down rowdyism or to suppress mutinies or riots. It lies in the amount of culture, of civilisation, of progress, in the ways of civilised government and of ideas of citizenship which have been inculcated in the minds of the people concerned, and I submit that in these respects the North-West Frontier Province has been unfortunate. But it is so and we have to take facts as we find them.

Now, Sir, during these years many untoward events have taken place. I will refer only to a few of them. In 1910 Sir George Roos-Keppel was Chief Commissioner at Peshawar. No, I shall begin with 1909. In 1909 there was an accidental fire at Kohat and the loot of Hindus followed, and the local Muhammadans joined in the loot on an extensive scale. In 1910 Sir George Roos-Keppel went on leave. Shortly after that there was a loot in Peshawar, Hindus were deliberately looted, there was a great deal of property lost, some people estimated it as more than fifty lakhs of rupees, others at less, and the Hindu population was driven out of Peshawar and had to remain in exile at Rawalpindi and at other places. Hindus formed nearly 16,000 of the population, men, women and children. They remained in exile for a year more or less at Rawalpindi, etc. That was in 1910.

Nawab Sir Sahibzada Abdul Qaiyum. Will the Honourable Member quote the authority where these numbers are given?

Pandit Madan Mohan Malaviya. The authority is my friends from Peshawar who have come and told me this.

Nawab Sir Sahibzada Abdul Qaiyum. And who are certainly in the gallery now. I simply want to know how the Reforms will take away the powers of control of law and order from the hands of the authority and hand them over to the Council of which my Hindu brethren are afraid. The second question which I should like to put.

Mr C S Ranga Iyer. On a point of order, Sir. Is this question time?

Mr President. The Honourable Pandit has given way, and the Honourable Nawab Sir Abdul Qaiyum is in order in putting the question.

Nawab Sir Sahibzada Abdul Qaiyum. The second question is whether the Kohat riots, to which the Honourable the Pandit refers, were not traced to something like the Hindu Sabha and Sangathan movements, according to official inquiry, and to the circulation of certain books?

Pandit Madan Mohan Malaviya. I have not come to Kohat. My friend is getting impatient. I beg him to listen to me patiently, and when he has heard me, then to express his opinion.

Nawab Sir Sahibzada Abdul Qaiyum. What I cannot understand is this, how is this poor Council to bring about all these worries for the Hindus? I cannot understand this.

Mr President. The Honourable Member is not entitled to make a speech. He has put his question and it is for the Honourable the Pandit to answer them or not.

Pandit Madan Mohan Malaviya Now, Sir, in relation to this loot in Peshawar, it was stated in the *Frontier Advocate* which used to be published at that time in Dera Ismail Khan, that some of the looters openly said that some Muhammadan leaders at Peshawar had told them to loot the Hindus. The columns of that paper would still show that fact. It was also said that there was a party at Peshawar which had great admiration for Sir George Roos-Keppel, and it was believed that that party wanted to show that Sir George Roos-Keppel was a strong officer and that he should be called back. (*Sir Denys Bray* "Shame")

The Honourable Sir Alexander Muddiman It is a very improper remark to make when a man is dead.

Pandit Madan Mohan Malaviya Is he dead? I beg your pardon, but I have not said a word against him, and I would ask the Honourable Member and the Foreign Secretary who cried "shame" on me to say what word I have uttered against Sir George Roos-Keppel. I appeal to you, Sir, and I ask Sir Denys Bray to say what word I uttered against Sir George Roos-Keppel that he cried "shame" on me.

Sir Denys Bray I myself, Sir, cried "shame" not because of the reference in particular to Sir George Roos-Keppel, but because I regard this recitation of allegations of past events in the province as most undesirable. The figures he has adduced I believe to be entirely incorrect, and the whole colouring to be wrong.

Pandit Madan Mohan Malaviya I submit, Sir, the Honourable Member was entitled to say what he has said, but he was not entitled to use the word "shame", he ought to measure his words according to the context of the discussion.

Now, Sir, what I said was that there was a party which wanted to show that Mr. Merk was a weak man and it was said that that party encouraged the loot. I take the fact that there was this loot at Peshawar. I have not said and, what is more, I never intended to say a word against Sir George Roos-Keppel. What I said was and I repeat it that there was this loot at Peshawar, property worth fifty lakhs or less was looted, and Government perhaps paid some money in order to compensate some of the men who had suffered. This is what happened in 1910. 16,000 was given to me as the approximate number of Hindus, of men, women and children in the population of Peshawar, most of whom left Peshawar and found shelter in Rawalpindi, etc. Some of them remained in Rawalpindi throughout the year, and many of them remained there for some months.

The second event to which I would draw attention was that of 1919. There was an Afghan invasion. General Nadir Khan came and for three or four days local Muhammadans looted the Hindus and the forces of the invaders joined them. Small fines were imposed by Government on the local Mussalmans. But there again there was a loot of the Hindus by the local Mussalmans. That is the point to which I am inviting attention. In June 1919 the Waziris attacked the Hindus of Gomal, the local Mussalmans joined them in the attack, the population was still largely in exile in Tank. In 1920 about five hundred raiders, Waziris, attacked Kirk, Tahsil Tehri, in the district of Kohat. Local Muhammadans joined the raiders in looting the Hindus. And, in September 1924 we had the Kohat riots. Now, assuming the utmost that has been urged against the Hindus in those riots, namely, that there was a pamphlet put into circulation which had excited the Mussalmans, and that some Muhammadans were excited by

it, the fact remains that the incendiarism and loot which took place on the terrible scale on which it did was most deplorable and condemnable. Now, Sir, these are events

Nawab Sir Sahibzada Abdul Qaiyum: But the Hindus began by firing at children

Mr K. Ahmed: Who began the firing first, Sir?

Pandit Madan Mohan Malaviya. Sir, my friend unnecessarily interrupts me. I wish to place only indisputable facts before the House as they are worthy of consideration in view of the importance of the question that is before us. That represents the attitude of the masses of Mussalmans towards their Hindu townsmen. As regards the educated classes there is unfortunately a party of them also which is opposed to the Hindus. I am told that in 1922 my Honourable friend Sir Abdul Qaiyum himself—I should like him to say whether it is correct or not—said at a conference which was held at Government House at Peshawar that the best way of putting an end to the raids, etc., was to ask the Hindus and Sikhs to go out of the North-West Frontier Province.

Nawab Sir Sahibzada Abdul Qaiyum. I have asked the Honourable Member to quote his authority for the statements he makes. His only authority appears to be that of those who are sitting in the galleries. He is making statements based on private conversations which he had with friends outside. I would ask him to cite his authority for the statements he makes.

Pandit Madan Mohan Malaviya. I should be very glad indeed if my Honourable friend would say that that statement is incorrect, and I will apologise to him.

Nawab Sir Sahibzada Abdul Qaiyum. It is entirely incorrect.

Pandit Madan Mohan Malaviya. I should tell my friend that Nawab Major Akbar Khan told me this before Baba Prem Singh and several others. He told me that this was a fact.

Nawab Sir Sahibzada Abdul Qaiyum. I hope, Sir, the Honourable Member will not drag in the name of an outsider into this debate. Let the outsider fight out the matter outside this House. I trust he will not quote private letters and conversations in support of his statements.

Pandit Madan Mohan Malaviya. I may also tell Sir Abdul Qaiyum that I have been told that Colonel Bruce was also present, and he said that the Hindus were also the subjects of the British Government and that such a suggestion should not have been made. Now, Sir, I mention these unfortunate facts with great regret but it is necessary to know the state of feelings that exists in the Frontier Province. It has been repeatedly said that there is a party of Mussalmans in the Frontier Province which is distinctly of opinion that Hindus and Sikhs should go out of the Province. I shall be very happy, as I have said, to know that these allegations are wrong, and if they are I shall most sincerely apologise to the House and to my Honourable friend for having referred to this matter.

Sir, I have invited the attention of the House to the fact that during the last 15 years there has been a series of fires and loot in the Frontier Province, and that the Hindus have been the victims in all these cases. But I do not mean to say that that is a ground for refusing to introduce self-government or reforms in that Province. I do not mean to say that that

is a ground which disqualifies the people for all time from having self-government. I refer to these matters in order that we may judge whether the conditions essential for self government, that is government by general consent, have been established. And on this point I will quote from the present Chief Commissioner himself. In reply to the address which the Provincial Muslim Deputation presented to him on the 25th of November last, the Honourable Mr. Bolton said with reference to their prayer that election should be introduced in local bodies:

I am theoretically entirely in favour of this measure and that I have not been more active in putting it into practice is due to one fact only and that is the communal taint that has resulted from the introduction of communal representation elsewhere and has threatened to develop here, whenever the question of election to local bodies has been mooted. As soon as there is a demand for election, not from Muhammadans in order to promote Muhammadan interests nor from Hindus to promote Hindu interest, but from the citizens of say Peshawar as a whole in order to improve the municipal administration for the benefit of the city of (ay) Peshawar I will enter whole heartily into the scheme. But as long as elections are pressed for on communal ground only I am inclined to think that we are better off as we are.

Regarding the question of greater communal representation in Government service also, he said:

The next question is that of Government Service in regard to which I am sorry to see you adopt again a communal attitude. An examination of the representation of the different communities in the higher services of this Province (executive, judicial, etc.) shows that Muhammadans already hold a higher percentage of the posts than could well be adopted under any communal scheme. In the ministerial services in some offices the percentage is very much lower, but you must remember that it is only in recent years that educated Muhammadans have become available. At the last Census there were actually far more Hindus literate in English than Muhammadans in the Province. Among recent recruits the Muhammadan percentage is very much higher. Though I would prefer that Muhammadans should rely on their own merit for election I am contemplating the issue of some orders fixing minimum percentage of recruitment and it follows from this that there must also be maximum percentages.

The Honourable the Chief Commissioner then went on to refer to another complaint of the Muhammadans. The Muslim Deputation had complained that 30 per cent. of the police had been recruited from among the Hindus and Sikhs. That was after the Kohat riots. In the Kohat riots it was found that because the police was mainly Muhammadan, and because the Frontier Constabulary was also Muhammadan, therefore the Hindus and Sikhs were not sufficiently protected. The Hindus did not want to return to Kohat until the Government gave them safeguards against their being again exposed to the same danger and one of the safeguards they asked for was that for some time at any rate until normal conditions were established, the Government should appoint 50 per cent. of the police from among the Sikhs and Hindus. The Government agreed to appoint 30 per cent. in the towns and cantonments, but my Muhammadan friends complained of it. They showed much concern about this matter as will be clear from the Chief Commissioner's reply. He said:

'Your concern at the increase of Hindu recruitment to the police is probably due to the misrepresentation of the orders issued which I have seen in some Muhammadan journals. The orders were to the effect that 30 per cent. of the Hindus in towns and cantonments should be Hindus and Sikhs. This is little if at all in excess of proportion of the population in towns.'

Now, Sir, I have shown that the Government have been very anxious to

a whole, that in the loot to which I have referred it was not Muhammadan houses that were plundered but Hindu houses, and that even among educated Muslims an influential party is unfortunately unfriendly to Hindus and Sikhs. In this state of things, it is for the Assembly and the Government to consider what is the right course to adopt. I am not, as I have said, opposed to reforms, altogether, but I submit that the Resolution before us which asks that Reforms which obtain in other parts of India should be introduced now in the Frontier Province is premature. I submit that the best course to adopt is, that when the time comes, as I hope it soon will, for considering the question of further reforms in India as a whole the facts relating to the Frontier Province should be fully examined and the Commission should be asked to recommend in what form and to what extent self-government should be established in the Province.

Now, Sir, on the second point, and it is not of less importance, it has to be remembered that the Frontier Province is a place which has to be specially guarded if India has to be properly defended. Therefore whatever measure of reforms is introduced,—and I repeat again that I am not opposed to the introduction of self-government in some form or other in the Frontier Province,—but whatever measure is proposed to be introduced should be carefully considered. I wish that the representatives of the Government and Hindu and Muhammadan leaders should sit together and consider the various points and find out and recommend what the reality of the situation demands. It is no good simply decreeing a particular view because it does not agree with your view. The facts have to be examined, and if the Government and the leaders of public opinion as represented in this House will sit together and find out what is the best way in which our Muhammadan fellow-subjects could be given every opportunity for self-development and the interests of our Hindu fellow subjects could also be adequately safeguarded, it would be entirely satisfactory and should meet the wishes of all parties.

To say offhand, on a discussion of a Resolution of this nature, that the present scheme of Reforms should be extended to a province of the importance of the North-West Frontier Province is, I submit with great respect, not the correct way. The opposition which I make is not to the principle of the extension. The opposition which I offer is not prompted by the mere fact that the Hindus are in a minority there. I do not say that Reforms should not be introduced there for that reason. I have never suggested that and will never suggest it. I earnestly hope and pray that communal differences will subside. I myself believe that the right thing for the Hindus and Muhammadans to do is to forget and bury communal quarrels, to discard communal selfishness and prejudice, and to live the larger, nobler life of citizens. I am pleading for that life. I consider that it is the duty of Hindus as well as Muhammadans and Government officials to see that the idea of citizenship develops among all our people. I should be happy if some at least of our time should be employed in devising measures which will promote ideas of citizenship throughout the land. We have to work to establish that the Hindu, even when he is in a minority of only 6 per cent. in a population, should feel secure that his honour and liberty and property are safe in the keeping of his fellow-citizens among the Mussalmans, and the Mussalman should feel that his honour and liberty and property are safe in the keeping of the Hindus where they are in a majority.

To come back to the Resolution, I submit, Sir, that the question has to be considered from the point of view of local conditions and the importance

of the Province to the Empire All I have drawn attention to is meant to show that the question deserves to be studied very carefully I am very sorry to have had to refer to matters which I knew would be unpleasant and disliked The House is right in not wishing to hear disagreeable things, but I had a duty to perform When an important question like the one before us is being discussed, it is our duty even at the risk of being misunderstood to bring facts to the notice of the House and of the Government which have to be considered and which have to be provided for That does not mean opposition to Reforms It means that all the conditions of the locality should be examined

Mr President Order, order The Honourable Pandit must realise that the Chair has allowed him more than double his time

Nawab Sir Sahibzada Abdul Qayyum If you will permit me, Sir, I will say that the Honourable Member is arguing the Government point of view that the Indians must first settle their disputes among themselves before they can expect any further Reforms

Mr President The Honourable Member is giving an opportunity to the Honourable Pandit to continue Does he wish that the Pandit should continue?

Nawab Sir Sahibzada Abdul Qayyum That is not my concern, Sir It is somebody else's concern

Pandit Madan Mohan Malaviya I will conclude, Sir I beg every Member of this House not to allow any prejudice to grow in his mind by the mention of the unpleasant events to which I have referred I have been very reluctant to mention them, but I have thought it my duty to do so only in order that the gravity of the question before us should be realised I am opposed to the Resolution as it stands, but I am most anxious that the question of the extension of reforms to the North-West Frontier Province or the question of what form of Government should be established there, which would give the people the fullest measure of freedom to grow and to develop, should be taken up when the Reforms Commission comes and should be settled after a dispassionate examination, in which the interests of all parties living in that province and of India as a whole should be considered

18th March, 1926

Raja Ghazanfar Ali Khan (North Punjab Muhammadan) (There was applause when the Honourable Member rose to speak) Sir, fortunately or unfortunately, I have not been gifted with that power of eloquence, which is so very essential in these days of uproar and noise in every sphere of life In spite of many temptations to the contrary, I have been able to maintain my vow of silence so far and the reason for my getting up to-day and making a speech on this motion is, that my feelings have been stirred to such an extent, that I do not think I should keep quiet Sir, whenever a committee is appointed, there is a general feeling that the official members of that committee are bound to take a definite line of action in the matter even if the evidence before the committee may prove things to the contrary This belief was further strengthened when we read a few months back, the statement of Sir Muhammad Shafi in

connection with the signing of the majority report of the Muddiman Committee, after he had handed over the charge of the Law Membership. But, Sir, I am very glad to find that my Honourable friend Sir Denys Bray is still sitting on the Treasury Benches, as happy and cheerful as ever, in spite of his signing the majority report, a report which was not quite welcomed by the Government. One more passing remark, Sir. Only the other day my most venerable Leader, Mr Jinnah, while asking for a Royal Commission, was laying great stress on the personnel of the Commission. At that time I began to feel that the personnel of the Commission really matters more than even the terms of reference. What I understand from a satisfactory personnel, is that the majority of the members of the Commission should be such, that they may be able to take a fair and just view of the problems which may come up before them. So, when a committee is appointed, and all the members are unanimous in giving their verdict on a particular matter, there is nothing further to be said about it, though in these days it is very difficult to expect a unanimous verdict from any commission or committee. But when a committee is divided into two parts and there is the majority report and the minority report, the Government must act either according to the suggestions of the majority or the minority, to me it appears that there is no justification for running away altogether. Now, Sir, I wish to ask a plain question—which of the two reports seems infeasible to the Government? Is it impossible for them to act on the suggestions of the minority or on the suggestions of the majority? I do not think either of these two recommends “inaction,” of which Government have been guilty so far. The issue before us is very clear. There are only two courses open to you. Either amalgamate the Frontier Province with the Punjab or treat it as a separate province and give it Reforms. I do not think there is anybody in this House who does not agree that these people on the Frontier deserve to be treated just as any other people in India. Some think that they should be amalgamated with the Punjab, and all the rights and privileges which the men in the other provinces enjoy should be extended to the frontier people also. Others think that they should be treated as a separate province and that they should have their own Reforms. In the way of amalgamation I think there are some administrative difficulties, which are so clearly dealt with in the majority report that it is hardly necessary for me to repeat them here.

Sir, on the 16th of this month when I heard that most beautifully worded and feelingly delivered mysterious speech of Sir Denys Bray, it reminded me of a well known Urdu verse of that great poet Ghalib

*‘Gur Khawash ki fāida ikhshā hāl hai
Main Khush hūn meri bāt samādhna mahāl hai’*

what he meant by that, and I have been making searching inquiries from people who are expected to be in the know, but they have not been able to tell me what he means when he says that many things have happened in that country, which stopped the Government from giving effect to the recommendations of the majority report. But, Sir, I have no quarrel with Sir Denys Bray, because he says that his opinion is still the same and that "the outlines would remain the same", even if somebody asked his opinion on this subject to-day.

Coming to the merits of the question, what is the standard by which the people of any province are to be judged as to whether they are fit to be entrusted with the responsibility which these Reforms involve. The first and foremost in my mind appears to be the presence of a genuine and widespread desire of the people to take an active part in managing their own affairs. I do not think there is any Member in this House, who would not agree, that this desire on the Frontier Province is very deep-rooted, very genuine and very widespread. This is clear from the majority as well as the minority report. This is also clear from the various huge meetings held in the Frontier Province and outside during the last month and a half. It is also clear from the innumerable telegrams and letters which all the Members must have received during the last few days. It is also clear from the presence of a large number of people from the Frontier Province, who have travelled all that long distance, to see how we treat their legitimate ambitions and aspirations which we call our birthright.

The second proof of their being fit for the Reforms is their qualities of head and heart—the qualities of head and heart of the Pathans, for which my Honourable friend from Madras has got such great admiration and which, unfortunately, my learned friend the Pandit repudiates and denies. The difference between the opinions of these two great persons is probably due to the fact that while the Diwan Bahadur has firsthand knowledge of the frontier, the knowledge of the Honourable the Pandit is more or less derived from his "friends from the Frontier". Then, Sir, let us take the educational conditions of the Frontier Province. In spite of the fact that the province is not so rich as to spend as much money as is required on furthering education in that province, in spite of the fact that they started very late in this line, and in spite of the fact that they are naturally placed in a position where practice with the rifle is probably more useful and necessary for them than reading mathematics, still you will be surprised to know, that according to the census of 1921, there were 43 persons educated in each mile, while in the United Provinces the number is only 34. So how can you say that the people of the frontier are not educationally fit for getting the Reforms?

Sir, there is one more point to which I would like to refer here. Sir Denys Bray said

"Government have been awaiting this debate with great interest and great attention, and it is with great interest and great attention that Government will follow it and its action and reactions in the press on the frontier and in India at large."

Sir, again, these words are absolutely mysterious to me. What I understand from them is this—I will put it very plainly—the Government, for some reasons, which are best known to them, do not want to give Reforms to the people of the frontier at this time. At the same time they are thoroughly convinced that there is a very deep feeling present, the minds

INDIA'S PARLIAMENT.

[PART I.]

of all those people to get their rights. They have also got this experience, that once that desire is created deep in the minds of the Pathans, it is difficult to stop them until they have realised that desire. So now they know what the consequences of running away entirely from the question are, and that in view of the fact, that their own officers recommend that Reforms should be given to them, they will not be able to escape the serious consequences of this unreasonable attitude. And, you know that at present, unfortunately, the relations between the Hindus and Muhammadans in the country are very much strained, so this is only thrown out a suggestion both to the Press and the people in the Frontier Province and outside, that you are willing to give them Reforms if it is agreed to by all sections but if it is opposed, and if there is an agitation carried on in the Press as well as among the public, against giving the Reforms, it means that you create an impression in the minds of the Pathans that it is the Hindus who are standing in the way of their progress, it is not the Government, it is the Hindus. If the Hindus would not agitate, "if they would not carry on propaganda against it in the Press, you are quite prepared to give them what they want." Is that what you would say? So in a province, where the feelings are already strained between Hindus and Muhammadans, and where you find that the population of Hindus is very small, and the people are very furious by nature, you tell them that this is the class to be blamed, that these 5 per cent of persons are standing in the way of their political progress. What do you expect from them? Do you seriously expect that this will help to restore good relations between Hindus and Muhammadans? Or do you think that this will further strain relations which are already very bad? Sir Denis Bray again said,

"When I was empowered by Government to announce those decisions in another place was there any communal heat engendered, was there any great agitation arising then? Not a bit of it."

Then, Sir, what was there to stop you from giving effect to the recommendations of the majority report, if your only plea is that you were afraid of rousing communal bitterness? There was no communal bitterness then. Sir, I am always reluctant to believe, that the Government are led away by some sinister motive or thought whenever the question of yielding political power is concerned. I am always very reluctant to believe it, but here in this connection I would most earnestly appeal to you to make it clear, absolutely clear, to the people of the Frontier as well as to the public outside, that it is not the Hindus who are standing in the way of the political progress of the people of the Frontier but that you have your own difficulties which, however, strong they may be, you do not want to reveal to us.

Mr K Ahmed (Rajshahi Division Muhammadan Rural). What are those difficulties? Say something about them because Sir Denis Bray is not disposed to disclose them.

Raja Ghazanfar Ali Khan. Sir, I do not want to detain the House long. I would submit that I have got very great regard and respect for the Honourable Pandit Madan Mohan Malaviya. I honestly believe, that the services which he has rendered to the nation, to the country, are in no way less than the services he has rendered to his community (An Honourable

Member "Question"), and particularly, Sir, when I listened to his words

' I have seldom if ever advocated the cause of Hindus as distinct from the cause of Muhammadans either in the National Congress or the local Legislative Council, of which I was a member for many years, or the Legislative Assembly. I do not remember any time when I have entertained any thought of hurting my Muhammadan fellow countrymen. I should be ashamed of myself. I should be ashamed to think of my God or to appear before Him if I cherished the smallest thought of injuring any of my Muhammadan or Christian brethren.'

Mr K Ahmed Read on!

Mr President Order, order

Raja Ghazanfar Ali Khan Sir, I still prefer to believe in those words rather than in the rest of his speech, although I honestly find it very difficult to reconcile this statement with the other parts of his speech. Sir, I would have had no objection absolutely if the Honourable Panditji had merely restricted his speech to opposing the motion as well as the amendments. But, Sir that speech, relating, in the most exaggerated form, to all those past incidents which took place some 16 or 20 years ago, and which might take place at any time in any country, and repeating them with this exaggeration and with the full consciousness that the Panditji's words mean a great deal and with the full consciousness that at present the feeling between Hindus and Muhammadans is very strained, was not in good taste. I do not for a moment suggest that Panditji when he uttered those words or made that speech, was fully alive to the consequences or the interpretations of his speech and his action. I, personally think, Sir that he was probably carried away by the sentimental appeal which naturally the Hindus from the Frontier might have made to him. I would most respectfully request him to answer one or two questions with your permission, Sir. The first is this—is it proper to relate all these most hideous incidents of the Frontier on the floor of this House and when the authority is questioned merely to say "friends from the frontier"? The chief incident he mentioned was the loot in Peshawar, where he said that about 16,000 Hindus, men, women and children were actually driven away from the city. May I ask the Honourable Panditji to tell us what was the cause of that? Does he know anything about it? I would really feel obliged, and I think the House would also feel obliged, if the Honourable the Pandit is able to tell us if he knows what the cause of it was. I do not want Sir, to go into the details of it. I just want

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions Non Muhammadan Urban) Is it a fact that there was a loot? Is the loot denied?

Raja Ghazanfar Ali Khan You do not care to know the causes. I respectfully differ from the Honourable Pandit. But my object is not to relate or go into details. I just mention these facts so that Honourable Members may not be misled and carried away by all that is said here, but that they should try to know what are the facts, and I dare say that if the statement of the causes of these sad happenings went in favour of that party, they would have had no hesitation in mentioning the same here.

Another question which I want to ask the Honourable Panditji is

Pandit Madan Mohan Malaviya. If my Honourable friend knows what the facts were, he might help us to know them, I shall be very grateful if he will do so. If he thinks that the facts were different and that their concealment has been an injury to the discussion, I should like to know them.

Raja Ghazanfar Ali Khan. Yes, Sir.

Mr President. Order, order. The Chair desires that no heat should be introduced in this debate.

Raja Ghazanfar Ali Khan. Sir, I do not want to bring any heat into the discussion at all. I do not want to prove that the Hindus were at fault. Neither do I stand here to justify the actions of the Muhammadans. I only wanted to make it clear to the House that these things should not be related in this House unless the full facts are stated; otherwise they should not be related at all.

Another question I would respectfully place before the Honourable Pandit is this: does he want us and the Government to be committed to this principle, that wherever one community is in such a minority, Reforms should not be given to that province, or do you want us to be committed to the principle, that wherever the relations between the Hindus and Muhammadans are strained, further reforms should not be given to that part of the country? I have gone through his speech very carefully, and I do not find any other argument therein. There are only two things, firstly, that wherever one community is in a minority the Reforms should not be extended, and, secondly, that wherever the relations between the Hindus and Muhammadans are strained no further Reforms should be given to that province. I do not believe for a minute that the Honourable Pandit will commit himself to either of these two principles.

Pandit Madan Mohan Malaviya. No, I distinctly referred to the special conditions prevailing in that province.

Raja Ghazanfar Ali Khan. Very well, special conditions prevailing in that province. And what are those special conditions? That the relations between the Hindus and Muhammadans are strained. Then, Sir, the Honourable Pandit is opposed to the amendments also. He says that he does not favour amalgamation, he says he does not favour Reforms for the North-West Frontier Province. He wants that we should sit somewhere, at some place—I do not know where and with what object—and decide what should be done to the Frontier Province. Sir, if he is anxious only to protect the rights of minorities, I tell you that there is not a single Muhammadan in this House who would for a minute grudge that right. Supposing there are 5 per cent. or 7 per cent. of Hindus there, if in the judgment of my Honourable friend, Pandit Malaviya, they should be given 15 per cent. or even more than 15 per cent., we are quite willing to yield. If he wants separate electorates, we have got no objection to that. Sir, in whatever way you want to safeguard the rights of minorities, we do not oppose it.

Another point is this: that all these sad incidents have taken place under the present form of Government, when there were no Councils when there were no Reforms. So the present system of administration would not stop sad occurrences of this kind. Does he mean to suggest that if the present form of administration is changed, there will not be any improvement? We have not tried it. It is quite possible that when the attention

of the Pathans is directed to the development of their own interests, educational and otherwise, they may tone down a little, and the bitter feeling may not remain the same

Sir, another charge that is brought against those honest set of persons is that their sympathies are pro-Afghan. I think, Sir, the Government are in the best position to judge that, and to pronounce their judgment whether their sympathies are pro-Afghan or not. I would be quite satisfied if the Honourable Sir Denys Bray would stand up and say "Yes, they are pro-Afghan and they have not got any sympathy for your country, they have not sacrificed their lives to defend your frontier."

Mr K Ahmed How can he say that?

Raja Ghazanfar Ali Khan But so far as I can understand them, they are as good, if not better, Indians, as we are

Sir, it seems preposterous, if not impertinent, that a Diwan Bahadur from Madras, or a Doctor from Bombay should get up in this House and say that the Frontier Province should be amalgamated with the Punjab. Nobody in the Frontier wants to be amalgamated with the Punjab. We do not want to have them. It would mean cutting at the very root of the principle of provincial autonomy, if you were to force the people of two provinces, who are so very different in language, in customs, habits and temperaments to live together against their wishes.

Mr K Ahmed If the heart is stronger than the head?

Raja Ghazanfar Ali Khan Sir, if there is any province which is fit for self-government, it is the Frontier Province. They have got a common language and common habits and above all they are able to defend themselves. Why do you insist that they should be tied down to the Punjab? I think, Sir, it will do more harm than good both to the Punjab and Frontier. Sir, to me it seems that because the frontier people are unable, in spite of their honest efforts, to win the sympathies of the Government, therefore they are being deprived of their rights, under different excuses.

Now, Sir, one word more, and I shall finish, and that is, my appeal to the Honourable the Home Member in whom I have got full faith and who is very generous and very noble-hearted. (Applause) As far as possible, he is anxious to do something for the betterment of the people unless the bureaucratic will prevails sometimes. Therefore, Sir, I would request him to make the frontier people strong. If you make them strong, you make the country strong. That will be the greatest service you can do to India and the British Empire. I would also suggest to the Honourable the Home Member that it is only then, that is to say, when the people in the Frontier are strong, that the recommendation of the Inchcape Committee to reduce military expenditure to a minimum figure, which His Excellency the Commander-in-Chief thinks is merely a pious hope, will turn into an established fact.

Sir, I have got nothing more to add, except that there is one other feature of the debate which should carry due weight with the Government. They said that they would listen with deep interest to the debate in this House. Sir, here are my Honourable European friends, and what are they going to do in this matter? The other day, I was sincerely pleased to hear the speech of that "Caution Signal" of the European party the gallant Colonel, who said that he would walk with us into the same lobby.

alone should be quite enough, to convince you that our cause is just and strong Sir, with these words, I support the Resolution

Sir Darcy Lindsay (Bengal European) Sir, if I rise at this moment to join in the debate it is to try and steer the ship into peaceful waters again We on this side of the House—I am referring to my colleagues—pay the highest compliment to Raja Ghazanfar Ali Khan for his very able speech and the moderation with which he put forward his case I wish, Sir, the tone had remained the same

Now, Sir, I would like to state at once that I for my part propose to support this Resolution (Cheers), and I believe my colleagues are in agreement with me (Cheers) If it were necessary to put forward an outstanding reason for doing so it would be in the fact that this part of the country at least appreciates the reforms and the benefit, the real benefit they have brought to India as a whole (Cheers) I am aware that certain other parts of the country are never tired of telling us that the reforms are unworkable, they are not wanted, they are bad, and I have even heard them described as rotten It is, therefore, Sir, distinctly refreshing to find that this great people, this brave people from the North-West Frontier find the reforms to be good enough for them to work under I am not aware, Sir, whether the Resolution can be given effect to at an early date, and particularly as to the financial position, but if at all possible to be carried out I repeat that I favour the granting of the request now put forward Whilst I express no opinion on the method, nature or measure of self-government which should be accorded to the North-West Frontier Province, bearing in mind the Imperial factors which enter into the problem yet I recognise that the character, loyalty and independence of the people there are the strongest arguments in favour of the Resolution There is much also in the argument that the forward march of civilisation which such a measure would become may contribute in no small degree to the solution of our Frontier progress With these words, I commend the Resolution to the House

Sir P S Sivaswamy Aiyer (Madras Nominated Non-Official) I should like to congratulate my Honourable friend Maulvi Murtuza Sahib on the spirit of good humour in which he moved his resolution for the extension of the Montagu Chelmsford reforms to the North-West Frontier Province It must be a matter of satisfaction to us all that on the whole, this debate has been conducted in a calm atmosphere I hope that the same spirit will be maintained during the rest of the debate

I have taken considerable interest in this subject and, as the result of a careful study of it I moved the resolution which was passed by the Legislative Assembly in September 1921 and which led to the appointment of the Bray Committee The resolution of the Assembly was two-fold It recommended the amalgamation of the judicial administration in the North-West Frontier Province with that of the Punjab and it also recommended the appointment of a committee to inquire into the results of the creation of the North-West Frontier Province and the expediency of a general re-amalgamation of the five administered districts of the Province with the Punjab The resolution did not raise the question of the creation of a Legislative Council for the five administered districts It was however, included in the terms of reference to the committee The third term of reference was whether, in the event of the separation of the

administered districts from the political control of the adjoining un-administered tracts being considered inexpedient, it would be expedient to retain the whole Province directly under the Government of India and, if so, to constitute a Legislative Council for the five administered districts. The inquiry by the committee has not been altogether barren of useful results. It threw a searchlight upon the defects in the administration of the Province. Some of the defects to which I drew attention have been recognised and admitted by the authorities and remedies have been recommended for their removal.

Upon the main issues before the committee, there was unfortunately a cleavage of opinion. My Honourable friend, the mover of this resolution, has complimented the majority upon the quality of their report as opposed to the quantity of the minutes of the dissentient members. I gladly join in the tribute to the report of the majority which betrays the hand of my friend Sir Denys Bray and is conspicuous for its literary merit rather than anything else. But, for an adequate and impartial review and appreciation of the evidence, for logical consistency, clearness of thought and sound judgment, we must turn to the masterly minutes of Mr. Samarth and my friend Diwan Bahadur Rangachariar. My Honourable friend, Sir Denys Bray, has expressed his satisfaction over the delay in publishing the report of the Committee on the ground that it created hardly a ripple. My Honourable friend cannot have forgotten that since the publication of this report notice has been given of resolutions upon the subject session after session, but that the fortunes of the ballot have not been favourable to their inclusion in the agenda. He has expressed his satisfaction that the cry for amalgamation, general or even judicial, is now dead. Whether the cry is dead or not, I am not on this occasion going to disturb his self-complacency over this question.

I propose to confine myself entirely to this one issue of the expediency of the extension of the Montagu-Chelmsford reforms which has been raised by the original resolution. The problem is very grave and complicated. It is beset with difficulties and the manner of its solution is likely to be attended with momentous consequences. I approach the problem in the spirit in which Sir Denys Bray has exhorted us to deal with it. I have always endeavoured in matters coming before this Assembly to examine questions from the all-India point of view. The problem before us has to be examined anxiously and dispassionately not with an eye to the interests of this community or that community, be it tiny or large, but entirely on its own merits and from the point of view of India as a whole. I regard it not as a Hindu-Mahomedan question, not as one involving a clash of interests between contending parties. In a Province in which 92 per cent of the population belong to one community, that community will naturally have a predominant voice in the administration. I will deal with the problem exactly as it would have to be if the population were entirely homogeneous and consisted only of one community. I would respectfully ask the House not to import any Hindu-Muhammadan considerations at all in the decision of this question. In the report of the Frontier Inquiry Committee itself, I venture to assert that the minority have not been swayed by communal considerations. It was a very unwarranted and unbecoming suggestion on the part of the majority that their colleagues of the minority were thus influenced. More than once in the report we find a grossly improper insistence upon the accident of the minority being composed of Hindus.

INDIA'S PARLIAMENT.

[PART I.]

When the Honourable Sir Denys Bray began his speech in the debate the other day on a solemn tone, the House listened to him with bated breath in the expectation of some announcement of the intentions of the Government of India, but when the Honourable Member sat down, we felt that the speech was a pompous piece of nullity or perhaps something worse. I say something worse, because the concluding sentence of the Foreign Secretary's oration is bound to be interpreted as an invitation to a situation, even if it were not so intended. But there is comfort in the fact that the Government of India have not made up their minds before giving an opportunity to the Members of this House to express their opinions. I was glad to hear that the Government of India had set itself down deliberately to rethink this problem and I trust that this process may lead them to sounder conclusions than those reached by the majority of the Committee.

On the third term of reference the majority envisage the introduction of full fledged reforms and advocate the creation of a Legislative Council with a large elective majority, a Minister in charge of transferred subjects, an Executive Council in charge of reserved subjects and all the essential of the reforms enjoyed elsewhere. They justify this recommendation on the ground that there is a general demand for participation in the Reforms to the full measure that the inhabitants of the province are not behind the rest of India either in intelligence or in capacity to manage their own affairs and that the Pathans' desire for self-determination must be satisfied.

Let me first say a few words upon the origin and character of this demand for the extension of the reforms. So far as one can judge from the report or otherwise there is no evidence of any demand for the extension of full fledged reforms before the publication of the terms of reference of the Committee or at any rate, before 1921. In the public address presented to Sir John Maffey on the 9th of April 1921 on the assumption of the Chief Commissionership reference was made to the fact that the Province had been excluded from the benefits of the reforms scheme and great gratification was expressed at the announcement of Sir Hamilton on the eve of his departure that a scheme was actually under the consideration of the Government granting the people some measure of the reforms. In the reply given by Sir John Maffey, he informed them that an advisory council was all that could be thought of. The extension of the reforms to the Province was vaguely adumbrated by the Government of India during the course of the debate on my resolution as a scheme for securing representation of certain portions of the North West Frontier Province.

Mr K Ahmed I rise to a point of order, Sir. My complaint is this. Sri Sivaswamy Aiyer is reading his speech so rapidly from his manuscript that we cannot hear him.

Mr President Order order. The Honourable Member is quite out of order.

Mr K Ahmed We cannot hear him at all, Sir. The speech may be taken as read.

Mr President Order, order.

Sir P S Sivaswamy Aiyer Presumably it was the scheme of an Advisory Council that was referred to by the Law Member during the course of the debate in September, 1921. It became apparent to the Government that there was at least a considerable body of opinion in the Province in favour of the amalgamation of the Province or of the judicial system. The creation of a Legislative Council was included in the reference to the Committee to be dangled as a counter-attraction to the proposal for amalgamation which was, from the beginning, distasteful to the Foreign Secretary and which, it was apprehended, might otherwise gather strength. The demand by many of the witnesses for an extension of the reforms was put forward as an alternative to a demand for amalgamation. The minutes of the minority throw light upon the methods which were adopted by the officials after the issue of the reference to the committee to educate or rather manufacture public opinion in favour of the views which were believed to be held by responsible authorities. Memoranda were prepared by some of the responsible officials for the instruction of public opinion. Tahsildars were sent about the districts with the object of getting memoranda (and preparing them if necessary) from witnesses to appear before the committee. In some districts Extra Assistant Commissioners were sent about the districts to evoke public opinion. The oral evidence of the witnesses whose signatures were obtained to the memoranda was sometimes at variance with those contained in the memoranda.

Let us now turn to the evidence of the Muhammadan non-officials in support of the demand for full-fledged reforms. There were some witnesses who were averse to the introduction of a Legislative Council and even those who were in favour of it had great doubts about the suitability of the elective system. As pointed out in paragraph 37 of Mr Rangachari's Minute, the bulk of responsible Muhammadan opinion was apprehensive about the suitability and success of an elective Legislative Council. Some of the non-official witnesses pointed out the difficulties in the working of an elective system. They referred to the existence of tribal factions, blood-feuds, the evil influences of the Khans, the absence of competent and qualified representatives, the want of education among the Pathans, the necessity for vesting large powers in the Chief Commissioner and the inevitable cost of the machinery of the reforms. Let me now refer to the speech made in this House the other day in support of the resolution by that distinguished politician, Nawab Sir Abdul Qayyum. May I be allowed to compliment him upon the great skill, tact, persuasiveness and plausibility of his excellent speech. I was struck with wonder when he drew the picture of a province from which outrages and fanaticism had disappeared for ages. He himself stated, "What I want is really a sort of council call it an *advisory council* if you like, although this term does not sound so well as a Legislative Council." He said that he himself was no great believer in the reforms and in the Legislative Councils, that he had said so before the Inquiry Committee, and that he was not sure if the Councils elsewhere had done any good to the country.

Almost every responsible officer examined by the committee entertained serious misgivings and felt the necessity for proceeding cautiously. They were doubtful about the capacity of the people for the introduction of full-fledged reforms. Major Bruce, the Deputy Commissioner of Kohat seriously doubted whether the province was prepared for a Legislative Council. Colonel James advocated the establishment of an advisory council only in the first instance, and he urged that the members should be nominated

and not elected, as the franchise was not understood by the electorate even in the most elementary form. Major Crosthwaite had his doubts as to the expediency of the reforms. Mr. Phipps urged the need for caution in bringing the reforms into operation. Sir John Maffey's opinion underwent remarkable changes within a short period of time. In April 1921 he could not think of anything but an advisory council. On the 15th of August, 1921, in a note prepared by him as Chief Commissioner, he was emphatic that political reforms as in the Punjab were utterly foreign to Pathan character, incomprehensible to their feudal sentiments and never seriously demanded except by *irresponsible agitators*. But when he was examined in May 1922 at Peshawar, he spoke very guardedly on the subject of a Legislative Council. He was in favour of introducing some elective elements but he spoke only of restricted selections. He thought that it was a matter for the Government of India to decide upon and for him to carry out. Even in the case of local bodies he was prepared to introduce the elective principle only in a fractional way to give it a trial. When Sir John Maffey was again examined at Abbottabad, he was prepared to make a further advance. When pressed for an answer he very properly emphasized that the final decision was with the Government of India and that it was for him to carry out orders. These changes of opinion seem to have been brought about by extraneous influences and it is perhaps not a far-fetched inference that a spell or hypnotic influence proceeded from the Foreign Secretary who wished to stop the cry for amalgamation by the offer of a full-fledged Legislative Council.

Let us now proceed to consider whether the conditions which are necessary for the introduction of a representative legislature are fulfilled in the present case. There are politicians who swear by the shibboleth of self-determination and who imagine that nothing more is necessary for the working or the introduction of representative institutions than the mere desire of the people concerned. But this view is neither supported by thoughtful writers on political institutions nor by political experience. The successful working of representative legislatures necessarily pre-supposes a certain level of capacity, character and experience on the part of the people. It is not mere native intelligence that will suffice to ensure the success of representative institutions. A community possessed of sufficient natural intelligence may still be unfit by character, temperament, habits and the stage of social evolution it has reached. Law-abiding instincts, the habit of obedience to a central authority, a sense of respect for the rights of others, some experience of the elective system in the management of local bodies must be regarded as essential qualifications for determining the fitness of a people for a representative legislature. It has to be considered how far these qualifications can be found among the people of the Frontier. I do not question the natural ability of the people or their bravery, manliness and prowess, nor do I disparage the ability of the educated specimens of the community. Let me refer to a few extracts from the opinions of the official and Muhammadan witnesses before the committee. The majority of the committee state that probably all the Sarikis and the great mass of the village dependants in the Frontier Province form part of the Pathan tribal system. In the tribal territory with the inhabitants of which the people of the Province are so closely allied, tribal law or what we should call lawlessness was, and is, according to the majority, the only law and its ultimate sanction is the rifle in the hands of the individual tribesman.

In the Frontier Province, passions are hot, blood-feuds are endemic and refuge from the arm of the law is close at hand across the border. The Pathan is temperamentally hot-headed and impatient of delay, with a hereditary tendency to take the law into his own hands. Sir John Maffey says:

"The people living on each side of the border are the same people, many of them have homes on both sides of it, they are closely related by blood and in custom and sentiment they are one. These people both cis and trans frontier are the same people and all of the same strongly marked ethnic type—the Pathans."

He observes

"This Province cushioned between the Indian continent and the troublous regions of Central Asia registers the varying shocks of the outer world. The Pathan population have ties of custom and kinship with the tribal Afghan borderland which render them prone at all times to lawlessness—quick to violence apt to seek vengeance for themselves rather than submit to an alien form of justice. Their proximity to the border renders it necessary to permit a wide distribution of arms for the purpose of defence while at the same time it affords an easy refuge for the criminal who desires to escape from our penal laws. The old instinct to murder one's enemy has quickened and the means of doing it have increased. The result is plainly reflected in the criminal statistics."

He also observed

"They carry on blood feud among themselves. They do not, of course, live in the same way as the trans borderers do occupying fortresses against one another but it breaks out in any moment. They have not lost their characteristic at all."

Mr S E Pears said

"We are dealing with a Province which is mainly Pathan in constitution, where the blood feud is endemic where the people are very quick to anger just as they are quick to good temper. Violent crimes are frequent and take place murders are committed."

Mr K Ahmed: We cannot understand one word of what the Honourable Member is saying.

Mr President: As if the Honourable Member himself is understood by the whole House when he speaks!

Sir P S Sivaswamy Aiyer: A learned gentleman, one Maulvi Nur Baksh describes the cis border Pathans in the following terms:

"Then family quarrels and blood feuds are the things that mostly attract their attention and engross their time and all of them are equally fanatical, equally excitable and turbulent."

The Nawab of Khat Bagh who is a resident of Isakhel Tahsil said of the cis-Frontier people that they kill a man as if he were a fly.

In the Administration Report for 1922-23, it is observed

"We have the operation of a force infinitely more powerful amongst the Pathan community, the passion for private revenge under the baneful influence of which murder even tends to beget murder and the greater the tale of blood shed the greater the probability of its continuance. Murder being as a rule due to personal enmity, the commission of murder is seldom looked upon as an offence against the community."

Speaking during the debate of 1921, Mr. Townsend remarked that he could hardly imagine, whatever the changes, the Government of India may find themselves able to make in the administration of the Frontier Province, that they would find it possible to give them the same degree of self-government as is practicable and advisable in the Punjab. Sir John Marnard had doubts as to the perfect political fitness of the people of the frontier districts to receive the same rights and privileges as in the Punjab. He also said that he was not thinking solely of capability and intelligence but of the extent to which they really feel themselves to be British subjects. Their eyes might be turned in two directions. Sir John Maffey observed

"The Frontier may be regarded as in a state of siege. Popular Government, to the extent to which it is developed in other parts of India, I consider unsuited to the peculiar needs of the borderland. They are fanatical, excitable and violent crimes are frequent."

It is needless to multiply these extracts. It will be obvious that the mass of the people have not yet emerged from the tribal organisation of society or acquired the law-abiding instinct and the habit of obedience to a central authority, which is the first and the most essential lesson of civilisation. Nobody will refuse to join Sir Denys Bray in the tribute he pays to the prowess of a manly, virile and independent people. But virility and independence are not the only qualifications for democratic institutions. I may refer to the observation of a classical writer on the subject that a race who have been trained in energy and courage by struggles with nature and their neighbours but who have not settled down into permanent obedience to any common superior would be little likely to acquire this habit under the collective government of their own body. A representative Assembly drawn from among themselves would simply reflect their own turbulent insubordination. The people have had no experience of the elective system even in the sphere of local bodies. Neither in the municipalities nor in the notified local areas nor in the district boards has the principle of election been applied at all. The proposal to resort to election in one instance was abandoned in deference to the opinion of most responsible people in Peshawar that the system is unsuited to a frontier city and some of the witnesses objected to the introduction of the elective principle in the local bodies on the ground that the people would not agree and that it should be left to the Government. Even so late as 1923, we find it stated in the administration report that the only reform so far thought of was the privilege of electing non-official Vice-Presidents for municipalities and district boards from among the nominated members of those bodies. In the District Board Conference held at Peshawar in November 1924, under the presidency of Colonel Keen, the then Revenue Commissioner, the general sense of the meeting was opposed to the introduction for the present of the Punjab system of election for membership of district boards. It was pointed out that no system of election at all existed in the province and that any system of election for district boards should await the result of election

for a Provincial Council in this province. What a strange inversion of the usual course of development of the elective system! It is curious that even the majority of the Bray Committee have put forward no proposals for the introduction of the elective system into the local bodies. It is a political commonplace that local bodies furnish the best school for acquiring training in the management of public affairs and yet the majority have no hesitation in recommending the introduction into a province without any experience of the elective system, of full fledged reforms on the model of the Legislative Councils which have been introduced into the major provinces.

It may perhaps be asked how a people can acquire any knowledge of the art of self government unless opportunities were provided for acquiring experience and knowledge. It is a perfectly legitimate question but the answer is that such opportunities should be provided not at the higher level but at the lower level of self-government. The educative effect of self governing institutions is best realized in the sphere of administration of local bodies and it is idle to think of the introduction of the elective principle in the provincial sphere before it has been tried and developed in the management of local bodies. I have endeavoured to show that the conditions necessary for the introduction of popular control over the Government of the Province do not now exist in the case of the Frontier Province and are not likely to exist until the people acquire law abiding instincts and pass out of the tribal state of social organisation. It may also be pointed out that the conclusions of the majority are opposed to the teaching of history with regard to the evolution of popular government. The usual course of advance has always been from a system of tribal organisation to a system under which a strong central government reduces or extinguishes the powers of the tribal chiefs with their discordant and disruptive influences, inculcates among its subjects a sense of primary allegiance to the central authority and a habit of unquestioned obedience.

external affairs of the Frontier Province. It is upon the bed-rock of these axioms that the report of the majority of the committee claims to be founded. They lay stress upon the practical impossibility of drawing a hard-and-fast line between the internal and external aspects of even workaday matters on the frontier and the consequent difficulty of partitioning frontier business into two water-tight compartments. While they consider the administration of the settled districts cannot be transferred to any major Local Government consistently with the direct control of the Central Government and consider it necessary that the administration should remain in the hands of a minor Local Government, they proceed with a strange inconsistency to recommend the creation of an elective Legislative Council and the introduction of popular control over transferred subjects. What exactly the difference between a major Local Government and a minor Local Government is according to the majority, we do not know. Provinces may be classified as major or minor with reference to area, population, and revenue, but these distinctions are irrelevant for the purpose in hand, namely, the intervention of an agency of control. The difference, if any, must depend upon the complexity of political structure of the subordinate government and the number and freedom of play of its organs of administration. From this point of view, how a province endowed with popular control over a part of the administrative sphere can be recon-

must be able to support itself financially. Dependence on doles or deprecations is incompatible with a claim to independence. If the central exchequer is to meet the yearly growing deficit in the administration of the Frontier Province, it is unquestionably entitled to have a voice in the administration. The principle that one person or authority could spend without question and that another person or authority should find all the monies required for the expenditure of the former is calculated to promote extravagance and waste and destroy all incentives to economy. The recommendation of the majority is also open to the objection that it will subject the Chief Commissioner to the control of two masters, one in the sphere of internal administration and the other in the sphere of external administration—the very objection that was urged by the majority to the proposals of the minority.

It is not necessary for me to dwell upon the constitutional difficulty which Sir Denis Bray admitted in the other House that he had glossed over. I will only dwell very briefly upon the financial obligations to which we shall be committed by the proposals of the majority.

When the Frontier Province was created, the extra annual cost of the new Province was estimated by Lord Curzon at 3½ lakhs. In 1902-03, the deficit of the Province was 34 lakhs. It went on increasing by rapid strides.

expectations of the majority of a reduction of the deficit to 20 lakhs a year with some prospect of ultimate extinction will prove as illusory as the forecast of Lord Curzon

Apart from all the numerous objections in principle which I have referred to above, it is necessary to point out that owing to its peculiar situation, the relations and affinities between the Pathans on both sides of the border, the excitability of the people and their liability to sudden commotion and upheavals at the bidding of fanatical Mullahs, as illustrated by the Hijrat and the insurrection in Mansera, the sway of pan-Islamic ideas and sentiments and the menace of Bolshevism, the political dangers of an extension of popular government to the Province cannot be ignored. The advantages of service in the Province may be accompanied by the dangers of nearness of vision. Sir Denys Bray's associations with the Frontier and his attachment to it, combined with his poetic culture, have led his imagination into a region of Frontier romance and he has built castles in the air. The gift of prophecy is denied to me. I can only form my judgment upon the evidence and my task is only to warn the Government of India against the perils of the adventure upon which they are urged to embark in the pursuit of a policy which, I am afraid, will prove a monument of political unwisdom.

(Several Honourable Members moved that the question be put.)

Mr M. A. Jinnah (Bombay City Muhammadan Urban) Sir, the question before the House is one which requires a great deal of restraint to begin with and even then one might say a word here or there unwittingly which might give offence to one side or the other. Sir, I do not wish to deal with this question from the communal point of view at all. I have had the honour of working with my Honourable friend Pandit Madan Mohan Malaviya since 1906. If I remember it rightly, when I first stepped on the platform of the Indian National Congress, it was my friend before whom I stood as a junior who induced me and persuaded me to make my first speech on the platform of the Indian National Congress. Ever since then I have worked with him and I have always looked upon him with the greatest admiration and respect. I have a feeling that my Honourable friend Pandit Madan Mohan Malaviya is as much a nationalist as any living Indian to-day in India. (Hear, hear) But, Sir, sometimes we are likely to lose heart. We are sometimes likely honestly to be prejudiced. There is such a thing as honest prejudice. I can fully enter into the spirit, although I can not agree with the language, of my Honourable friend as to what he feels. And I can also equally enter into the spirit of my Muhammadan friends as to what they feel when they think of horrible incidents which have taken place not only at Kohat but in other parts of India as well. Sir, it is a common ground, it is our misfortune. But I appeal to my Honourable friend are we going to lose heart?

Pandit Madan Mohan Malaviya. No

Mr M. A. Jinnah. Are we going to budge from our principle that we shall attain freedom for India? And are we not going to treat this question of the North-West Frontier Province in the same spirit as we would treat the question of any other province? Sir India is not the only country where we have to face a problem of this character. I will only

read a few sentences from the report of Lord Durham where he describes the condition of the people in Canada, and yet Lord Durham recommended the establishment of responsible government in that part of the world. This is what he said

"The first point to which I would draw your attention being one with which all others are more or less connected, is the existence of a most bitter animosity between the Canadians and the British, not as two parties holding different opinions and seeking different objects in respect to Government, but as different races engaged in a national contest. The hatred of races is not publicly avowed on either side. On the contrary, both sides profess to be moved by no other feeling than such as belong to difference of origin. But the fact is I think, proved by an accumulation of circumstantial evidence more conclusive than any direct testimony would be and far more than sufficient to rebut all mere assertion to the contrary. If the difference between the two classes were one of party or principles only, we should find on each side a mixture of persons of both races whereas the truth is that, with the exception which tends to prove the rule, all the British are on one side and all the Canadians are on the other side. What may be the immediate subject of discussion seems to be of no consequence, but so surely as there is a dispute on any subject, the great bulk of the Canadians and the great bulk of the British appear ranged against each other. In the next place the mutual dislike of the two classes extends beyond politics into social life where with some exceptions again all intercourse is confined to persons of the same origin. Grown up persons of different origins seldom or never meet in private society and even when the children quarrel they divide themselves into French and English like their parents."

So, this, I think, is a much worse and more deplorable condition than what exists to-day in India. Do the Hindus and Muhammadans not mix socially? Do your children in schools play divided as Hindus and Muhammadans? Why, therefore, lose heart and despair? It is a problem which we have to solve, and we shall solve it provided we work together. At least the Honourable Members of this House, the representatives from different parts of India, are certainly expected to and should give a different lead to the rest of India.

Sir, the question therefore before us is this. Here is a province, the North-West Frontier Province, whose people, it is admitted both by the majority and the minority, possess the qualifications which even according to the definition in the speech of my Honourable friend, Sir Sivaswamy Aiyer, would entitle them to reforms. Sir Sivaswamy Aiyer was more spirited than I have ever seen him when speaking in this House, and he said that in order that a province should claim self-government, the people of that province must possess certain requisite qualifications. What are those qualifications? He says Sir Denys Bray merely says that they are a virile and a manly race, but that is not sufficient. But Sir, did the majority stop there? The majority in their report make it quite clear what they are, and I will read that passage

"The frontier inhabitants are assuredly not behind the rest of India either in intelligence or capacity to manage their own affairs. Their aspirations for reforms have been awakened into full consciousness and will not be satisfied by anything short of the essentials of the reforms enjoyed elsewhere."

Sir P. S. Sivaswamy Aiyer. It is not supported by the evidence.

Mr M. A. Jinnah. The Honourable Member says it is not supported by the evidence. I don't know how he has been able to get at this evidence. I tried to get a copy of it but could not obtain it. The evidence is not published and is not available, and I don't know who supplied him with the evidence.

Sir P. S. Sivaswamy Aiyer The evidence as quoted in the Report

Mr. M. A. Jinnah. I beg the Honourable Member's pardon. The evidence certainly does not support the idea that they are wanting in intelligence, that they are wanting in capacity, that they are wanting in manliness. One of the members of the minority committee, the Honourable Mr. Rangachariar, praised their great qualities of head and heart. If that is the evidence you want, there it is. If my Honourable friend wants merely to take his stand on communal grounds, I can understand that feeling very well. If you wish to say this, that there happens to be a small minority of Hindus and that you apprehend that the minority will be entirely at the mercy of the Mussalman majority, therefore the North-West Frontier Province must be amalgamated with the Punjab, I can understand that argument. I can understand that you think the Hindus in the North-West Frontier Province, who are now only 5 per cent, with the help of their co-religionists in the rest of the Punjab would stand in a better position if they are amalgamated with the Punjab, to resist any act of tyranny or aggression on the part of the majority who still would remain to be Muhammadans. That I can understand. But let me, Sir, say to my Honourable friend Sir Sivaswamy Aiyer and my Honourable friend Pandit Malaviya that I have revolved this question a great deal in my mind and the answer is quite obvious apart from the other objections which are so clearly pointed out in the majority report. The people of the North-West Frontier Province linguistically, ethnologically, geographically and in every other sense are different from the Punjab people, and why are you going to force these people, against their will and against the will of the Punjab itself, to be amalgamated with the Punjab? Sir, it is not a small province. It is a province with two millions of population. Even Australia has I believe a population of only 4 millions. And as my friend Dr. Hyder pointed out, in Europe we have independent States of which the population does not exceed more than two millions. Therefore how can you force these people against their will and say you shall be foisted upon Punjab? It seems to me, Sir, that either amalgamation or, if no amalgamation, reforms must be given to that province. What benefit would you get if no reforms are given to this province and what prejudice, what harm will be caused to the Hindus if the reforms are given to this province? Do you think that law and order is going to be handed over to a Minister immediately?

Diwan Bahadur T. Rangachariar Why not?

Mr. M. A. Jinnah. You think it will be?

Diwan Bahadur T. Rangachariar Do you think it will ever come?

Mr. M. A. Jinnah. Yes, by that time I think even my Honourable friend might improve in his ideas. Why should it not? I only want to know what is the immediate danger that you are afraid of.

Diwan Bahadur T. Rangachariar Why don't you hand it over now?

Mr. M. A. Jinnah. Yes, don't you ask for it yourself in Madras?

Diwan Bahadur T. Rangachariar Exactly.

Mr. M. A. Jinnah. Then why should they not have it? Is there one principle for the people in India and another for the people in the North-

West Frontier Province of India? You say they are not fit, you say they are incompetent, so the rest of India will keep the North West Frontier Province under your heels and under your subjection

An Honourable Member They cannot

Mr M A Jinnah What is the good otherwise of putting forward this argument? Will they never get fully fledged self-government? Why not? You want it, they want it. Why should they be denied if they are fit for it? If you admit that amalgamation cannot be a just measure to adopt apart from the difficulties which have been pointed out by the majority report, and the majority report points out innumerable difficulties, I do not want to weary the House, it has already been so fully discussed. Well, I ask, what is your answer to two millions of people who say ' We do not want to go to the Punjab ' ? Why must you force them?

Diwan Bahadur T Rangachariar When did they say that?

Mr M A Jinnah I have got the authority, I have got telegrams and letters from almost every important towns sent to me

Diwan Bahadur T Rangachariar What did they say before the Committee?

Mr M A Jinnah The same thing. I have got reports of meetings that have been held for several weeks, and I ask the Honourable Member to point out to me a single Muhammadan meeting which has been held against the view I am putting forward. I know the Hindus do not want it, I know that (*Honourable Members* "The Mahasabha does not want it!") Show me a single Muhammadan who is against the reforms. Even the opinion of Nawab Akbar Khan has changed since he went back to the North West Frontier Province (*Mr K Ahmed* "He was misled") Therefore, Sir, if I cannot convince my Honourable friend there, I am sure the Government at least have more knowledge and are less ignorant than my Honourable friend there as to what the feeling is. Now, Sir, what do these people really want? They are living to-day under an administration—what administration? To describe it in the words of an Anglo-Indian paper the *Times of India*, this is what he says

"While fighting the battle of freedom day by day these Hindu organizations yet find it in their hearts to advocate a continuance of the obscurantist, mediæval principles of Government, bureaucratic high handedness and policy of *zoolum* for which the Frontier Government has been so often criticised"

Do you want that to continue?

Sir, the next argument is the cost. Nobody has challenged the figures which are given by the majority committee and from that you see that the total additional cost of all these reforms which the majority committee recommend will come to Rs 1,13,162. Out of that, remember, the Additional Judicial Commissioner has already been sanctioned (*Cries of 'Order, order', on a stranger entering the Chamber*) And you find that these are the three items: Pay of Minister and allowances of members Rs 42,500, Additional Judicial Commissioner and Establishment, Rs 43,782. That has been sanctioned. Therefore the two items that remain are Rs 42,000 and Rs 26,000, which come to about Rs 68,000. Well Sir, are we going to escape the payment of the deficit of 20 lakhs which the majority report point out is the present deficit which even the majority

report does not say is wholly due to internal administration? It is difficult, they themselves realise, to separate what is the Imperial or the Central defence expenditure and what is the internal administration expenditure, and further, they even go to the extent of saying that even that will be wiped off within a short time. This is what they say.

"If the expenditure is justly distributed and the retrenchments now in contemplation are put into effect, then, according to the rough calculation we have made, the present deficit in the internal administration would drop from 56 lakhs to 20 lakhs a year with some prospect of ultimate extinction."

Sir, there is nothing therefore in any of the arguments that have been advanced on the score of the province not being self-supporting.

And now, Sir, I come to the Honourable Member who represents the Government. He expressed the view on behalf of the Government that the question of re-amalgamation was dead—the cry was dead and buried, and he said that even the eloquence of the Leader of the Swaraj Party cannot breathe life into those dead bones. But having negatived the re-amalgamation he gave us no further information on the subject. He himself stands committed to this report. He said that if he were asked to-day to put his signature he would do this. "The high lights might be softened," but he did not tell us how they would be softened. "The shadows might possibly be deepened," but he did not tell us how they would be deepened. "But the outline would remain the same." Well, Sir, I am waiting to hear from him what is going to happen to the high lights and what is going to happen to the shadows. Sir, the Honourable Member, it seems, has been brought up in what is known as the Foreign and Political Department, and not in vain. In that Department one probably receives a better training for diplomacy than in any other department in the world. He made a speech and a long speech, and we heard him with rapt attention every moment waiting for some definite announcement or declaration, but at the end of it he wound up by saying

"There is one other difficulty, which I have still to mention. It is of course ever present to us all this evening, and that is the communal question. Well, as I suggested the other day in answer to a question, I think, by my friend Mr. Jinnah, Government have been waiting this debate with great interest and great attention. And it is with great interest and great attention that Government will follow it and its actions and reactions in the Press, in the Frontier, and in India at large."

Sir, does he expect us here again to be completely unanimous on this question? (Sir Denys Bray "No.") What does he expect us to do then? Does he expect us to be wrestling on the floor of this House? What does he want this House to show him in the course of this debate? Sir, I hope that we have shown the Government and we have shown the world at large that we have discussed this question on its merits, that individual passions are bound to be roused and individual temperaments must assert themselves in any Assembly or in any legislature. Think back of your own Parliaments. Remember the speeches of Gladstone about the atrocities in Bulgaria—a great man, as great and a greater man than my Honourable friend, Pandit Madan Mohan Malaviya (*Lieutenant-Colonel H. A. J. Gidney* "Question"). How often was he not led away in fury, in rage? Why blame my friend here? He feels it. That is his feeling, that is his temperament. But, Sir, because you have an individual here or an individual there, is that going to be the final test? I ask the Government once again, do you wish to divest yourself of your responsibility? You agreed to appoint this Committee. My Honourable friend Sir Sivaswamy Aiyer, who is now not here, was the

cause of this Committee being appointed, and this Committee has given its verdict, and two of its official members are still of the same opinion, not only Sir Denys Biay, but even the present Chief Commissioner—I believe he was there, I do not know whether he is there now,—I mean Mr Bolton, both these gentlemen signed the majority report. Now, what did Mr Bolton say in answer to the deputation which waited on him not very long ago, on the 25th November, 1925? What did he say? He said

“The first question you raise is that of Reforms. You are aware that I signed the majority report of the Frontier Inquiry Committee, and I adhere to the views I then expressed”

It was as late as 25th November 1925. He did not talk about the high lights or the shadows. He has not been in the Foreign Department. He is only a member of the Indian Civil Service, I suppose. (*An Honourable Member* “A machine”) But he was there a ruler, and not like those who are sitting on the Treasury Benches. There is a great difference. Sir, I therefore want the Government not to delay in giving a definite answer, because it will lead to no good. On the contrary, I think the position of Government is likely to be completely misunderstood, and might lead to results which we least desire on either side. It is likely to make the Muhammadans feel, as was pointed out by my friend Raja Ghazanfar Ali Khan whom I heartily congratulate upon his maiden speech,—it is likely to make the Muhammadans feel that it is the Hindu opposition based on the sole plea of Hindu-Moslem strife in that province that is coming in the way of their getting any advance, and the Hindus will be encouraged to feel that, as they are going on with this agitation and passing resolutions after resolutions, the Government are changing their attitude. (*An Honourable Member* “Afraid”), and are afraid and will not grant any reforms to the Frontier. (*An Honourable Member* “What is sauce for the goose is not sauce for the gander”) This is an impression which is fraught with danger. I am only pointing out that if you do not wish to take any step on the majority report, if you do not wish to do anything say so without delay. If, on the other hand, you wish to do something, then I appeal to you most earnestly to make your declaration without delay.

Friday, 19th March, 1926

The Honourable Sir Alexander Muddiman (Home Member) Sir, the debate in which I am now taking part has extended over three days. It was discussed the whole of one afternoon, it was discussed yesterday afternoon, and we are now resuming the debate. I think that in itself is proof positive of the importance which this House attaches to the subject matter under consideration. Sir to me it has been a debate of absorbing interest, not only on account of what has been said but also on account of what has not been said. It was a great advantage that this debate commenced and continued through one long Indian afternoon as on that occasion the Benches that are now vacant were crowded. On that day twelve Members took part in the debate. Of those who spoke six were Moslems but of the speakers not one belonged to a large group of Members in this House. Sir I do not think it was that they were not interested, I think they were greatly interested. Their faces showed their keen and almost painful interest, but not a word fell from them. It was a triumph if I may say so, of party control but it was not in itself helpful to the Government.

Benches If the Government's sources of information were confined to the proceedings of this House, the deduction to be drawn from the debate so far as I have listened to it is that the subject is one in which the Hindus of Northern India have no interest with one notable exception. I should conclude this and indeed an uninformed spectator in the gallery could hardly fail to come to that conclusion. On the other hand, he would have come to the conclusion that it was a matter of passionate interest to the Hindus and Brahmins of Southern India. Sir, that deduction would be entirely erroneous and, despite the silence of a body of Members of this House who no longer attend our meetings, we must be cautious in supposing that deliberate suppression of strong views is a ground for neglecting their existence. The debate yesterday shows that the general trend of feeling is on communal lines. Muhammadans are supporting one view and those Hindus who have spoken are supporting another. (*An Honourable Member* "No, not all") With one exception I agree—it is clear that, in spite of the great efforts that were made by many speakers to speak in restrained terms—and I congratulate them and I congratulate the House on that it is clear that the division of opinion and thought is largely on the lines of communal severance. It is idle in matters of this importance not to look facts in the face. There are facts that must be looked in the face by this House and the Government must face them, and that indicates the great need that the Government must be very cautious in any action they may take.

Now, if the House will bear with me for a minute, I will examine the debate a little more closely, and I will see if I can separate out and trace some of the individual threads that made the web of the debate. I will not at this moment nor in connection with the present motion pause to examine the larger issues and implications to which the debate undoubtedly gives rise as they are not immediately germane to the matter under discussion but I may assure the House that they have not escaped my attention, nor do I think they will escape the attention of the Government of India. I want to point out in the first instance that it is evident that many of those who have spoken with great warmth on this debate have little or no personal knowledge of the area whose future they are debating. I do not suppose that even the Mover of the motion would claim that. Their support is based on other grounds and I think they may well be taken as saying to my Honourable friend Nawab Sir Abdul Qayyum, the real inspirer of the motion "By our brotherhood in Islam you called us and we came."

Now I turn to the speech of my Honourable friend the Nawab. May I in the first place congratulate him on the effective way he put forward his case. He pleaded difficulties in expressing himself. Sir, no more effective appeal could have been made than was made by my Honourable friend the Nawab. The directness of his methods brought a breath into this House of his own grim hulls, but it was the speech of a man wise in war and if I may say so not unversed in the wiles of the council board. (*Diwan Bahadur T. Rangachariar* "Thanks to the Assembly!") I may restate his position in a few words. I take it, it is this "Government say that the Reforms are a good thing. Well we are not quite sure but we will take it at that. We know that they were largely given because of the War and of India's services in the War. My people fought and died with your people in that War as we have fought and died in wars that preceded it. We are in every way as fit for reforms as the people of any other province." So, here my Honourable friend made a powerful appeal, an appeal that must touch

the heart of every Englishman, of every Indian, but he is on less sound ground when he himself doubts the suitability of the Reforms themselves. He, I think, in his heart of hearts, he who knows the local conditions and the local difficulties so well, is not quite so sure, as he would have us believe he is, of the applicability to his province at any rate in their full form of the terms of the Resolution which is before the House. Sir, this is not an issue on which any Member of this House ought to vote lightly. What is there behind it that moves even a man like Sir Sivaswami Aiyar to such emotion that the rapidity of his speech was a serious obstacle to my appreciation of it? Sir, there must be something that stirs a man of my Honourable friend's judicial training and long executive experience when I felt that his emotion for a moment had mastered his presentation of the case. There are—and it is idle for this House to shut its eyes to the fact—the numerous reasons which we in the Government know and you in the House know that have made Government cautious in arriving at final conclusions in this matter. We have been charged with delay in this as in many other matters. But our critics might sometimes remember that it is the Government that have to pick up the pieces after the glass has been broken. It is easy to raise an issue—it is often difficult to solve it in the way the initiator of the issue wishes. There are those to-day in this House who may well say

I'll move a shaft at random sent
Find mark the archer little meant "

Now, Sir, it remains for me to state the position of the Government. My Honourable friend Sir Denis Bray, was a signatory to the Report and he found himself in the position in which other signatories of other reports have found themselves, and, if I may say so, he managed to protect his dual position with great skill. However, I must make it perfectly clear to the House that Sir Denis Bray, the signatory of the Report, speaks in his own capacity and not in any way representing the Government.

Now, the House is aware that Government have definitely turned down the question of the amalgamation of the North West Frontier Province with the Punjab. That itself is a position that has very definite implications which I trust will not be missed by this House. The North West Frontier Province is to remain a separate province and therefore it must move in due time and in its own way, subject to its own conditions, to its status as a complete province. The question what, and in what direction constitutional advance can be given in the North West Frontier Province has been and is under the consideration of the Government. No definite decision on that point has been arrived at and no definite decision on that point will be arrived at or announced till Government are satisfied that they have come to a right conclusion and that the moment for its announcement is ripe.

Therefore, the attitude of the Government towards this Resolution must be one obviously of neutrality. The Government Front Benches will not vote. Those who sit behind me may vote according to their inclination, but they must remember that in exercising their votes they should ask themselves whether they are in a position to express an opinion on the question before the House, and I would add this. There are other Members in this House who have indicated their intention of voting and I would ask them to bear in mind the same considerations that I have urged. This is not a light matter. Votes should not be given lightly,

they should be given after due consideration and thought and with a knowledge that the voter has really examined the issues. Such an expression of opinion is possibly unnecessary for me to bring to the notice of the House, but I feel very strongly on the point, and therefore I venture to put it forward in all humility.

I will add that Government must and will give the fullest consideration to the views of this House as expressed in the debate and as expressed in the vote of the House. This is a question which requires for its solution all the wisdom and all the help that we can obtain from whatever quarter.

One more word, Sir, and I have done. Mr Jinnah, in a speech which was otherwise admirable in tone and bore out his general practice of considering these questions without heat and endeavouring to separate the issues in a logical way and of generating light, not heat, Mr Jinnah, as I say, in a speech of that character made one statement on which I must make a few observations. He quoted apparently with approval the following passage. He said

"These Hindu organisations yet find it in their hearts to advocate a continuance of the obscurantist, mediæval principles of Government, bureaucratic high handedness and policy of *zoolum* for which the Frontier Government has been so often criticised."

Now, Sir, those were not the words of the real inspirer of the Resolution, Nawab Sir Abdul Qayyum, whose experience of the Frontier Province is certainly unrivalled in this House. What did the Honourable Member say in his speech? He said

"Sir, it is not lack of confidence in the present administration that moves me to support this Resolution."

He was not prepared at any rate to endorse the views that were expressed in that extract. Now, Sir, I am not a frontier officer and therefore what I have to say is perhaps better said by me than by my Honourable colleague Sir Denys Bray, who has been intimately associated to the great benefit of the Frontier and to his own reputation with that province. Sir, I have visited the Frontier and being a man of peace have been greatly upset at the levity with which miscellaneous cutlery is produced in that province, and I have felt distinct thrills at the way fire-arms appear in the most unexpected places. (Laughter) Sir, it is a country where life and death are very close together, and I must ask the House to bear this in mind. Whatever the advances that may be given in the future to the North-West Frontier Province, we in the heart of this country, in the heart of India, owe a debt of gratitude to that faithful band of officers, civil and military,—British and Indian—who have often laid down their lives, and—what may even be worse for some—spent their lives in the protection of those marches of which they have been most faithful wardens. (Applause)

Diwan Bahadur T. Rangachariar (Madras City Non-Muhammadan Urban). Sir, I am glad that the Honourable the Home Member has spoken on this most important subject. Although he began in a somewhat jocular fashion, rather attaching importance to the least important part of the question, I am glad to note he has wound up with drawing the attention of the House to the magnitude of the issues involved in this proposition. I crave the indulgence of the House for the few remarks which I feel bound to make.

These issues are of a very important character. They have a political importance and an economic importance for the people of these districts numbering about two millions. They have a political, a constitutional and an economic importance for all India, and probably for the British Empire. Sir, I am afraid the attention of Honourable Members has been rather drawn to the least important part of the issue involved in the case, namely, the communal aspect which has absolutely no bearing on the issue so far as I am able to see it. (Mr K Ahmed "Is that right?") I will not tolerate any interruption of the Honourable interrupter of this House, Mr Kabeer-ud-Din Ahmed. The issue, Sir, is far too important to be treated in this jocular fashion. Sir, I say it has got also a military importance. I look at it as an Indian. I look at it from the point of view of the welfare of India, which I submit must be the predominant motive in coming to a conclusion on this subject. Sir, I bestowed anxious thought as a member of this Committee on the important issues involved in the case. Since then I have, to use the words of the Government, re-thought this question in deference to my Honourable friends who sit in front of me. I have got the greatest respect for my Moslem friends both inside and outside this House, and I have also re-thought this question in view of some decisions taken by Government on the Report of the Committee and also in view of the recent happenings in that unfortunate province. It was my duty to do so, and revolving it in my mind, I am sorry to say to the disappointment of some of the Honourable Moslem friends opposite that I have seen no reason to change my opinion which I arrived at as a member of that Committee. I consider, Sir, the proposition before the House of my Honourable friend, my family friend, Sayad Murtuza Sahib Bahadur, as constitutionally unsound, politically unwise, financially extravagant and likely to lead to disaster and administratively a useless proposition. (Here Mr K Ahmed made a remark which was inaudible.) Has my Honourable friend Mr Ahmed realised the implications of that Resolution? May I draw the Honourable Member's attention to the wording of the Resolution, for it is to that Resolution we are asked to accord our support? What is that Resolution, Sir? It is this

"This Assembly recommends to the Governor General in Council that he be pleased to extend to the North West Frontier Province the provisions of the Government of India Act which relate to Legislative Councils and the appointment of Ministers, etc., with protection to the minorities."

Mr K Ahmed (Rajshahi Division, Muhammadan Rural) Just as you have got

Diwan Bahadur T Rangachariar What are the provisions of the Government of India Act which relate to Legislative Councils and Ministers, etc? Sir, Honourable Members who have read the Act will realise at once what it means. Now, the Resolution means to make it, not a Lieutenant-Governor's or Chief Commissioner's Province, but a Governor's or a Deputy Governor's Province.

Mr K Ahmed Render unto Cæsar the things which are Cæsar's

Diwan Bahadur T Rangachariar That is really the implication of this Resolution. Do Honourable Members who accord their support realise the full import of that? Now, what does it mean? It means a Legislative Council with 80 per cent elected Members and not more than 20 per cent of an official element in that Council. And what does it imply again? It is

a case of Government, not of administration as in the case of the Chief Commissioner. In the case of the Chief Commissioner, as Honourable Members will notice from the wording of the Act, the immediate control, the immediate government is in the hands of the Governor General in Council—"On behalf of the Governor General in Council in whom the government is vested, the Chief Commissioner administers", that is the language of the Act. If Honourable Members will carefully follow the language of the sections of the Government of India Act, they will see that in one case it is government by a Governor with the help of the Executive Council in one half, and government by a Governor with the help of a Minister in the other half, or whatever the portion may be. That is the Resolution before the House, to which we are asked to accord our support.

Sir, in this connection I wish to draw the attention of the House to certain facts, and what may be called frontier axioms as my Honourable friend Sir Denys Bray and his colleagues of the majority would have it. If Honourable Members have done us the courtesy of reading that unfortunately voluminous Report, for we had to bring out the evidence, some of which was given in confidence, and therefore in dealing with the subject we had to be voluminous,—perhaps it was a disqualification, and I rather suspect that many an Honourable Member of this House has not done us the courtesy of reading that Report,—but if they have read that Report, what will they find? May I draw the attention of Honourable Members to certain portions, not of the minority report, but of the majority report? First of all, Sir, turning to page 8 of their Report, Honourable Members will find this proposition stated at the end of the paragraph there. After speaking of the tracts and of the districts,—Honourable Members will remember the difference between the two parts, that is, the independent tract where the tribes live, and the five districts which were once taken away from the Punjab and amalgamated with the North-West Frontier Province—it is said

"Both were forced to admit that the districts and tracts were two inseparable parts of one organic indivisible whole"

Again, turning to page 5, Honourable Members will find another proposition stated

"In short, there is no impassable gap or gulf, difficult to cross, between British and Independent territory, the Frontier is in reality only an arbitrary line drawn through the limits of more or less homogeneous population"

Then at page 3, Honourable Members will find what the nature of these tracts is

"And in the rest of the vast block of independent territory tribal law—or what we should call lawlessness—was and is the only law, and its ultimate sanction is the rifle in the hands of the individual tribesmen. The only control we could and indeed still can exercise over it is political control exercised in and through the districts or brute force exercised in the last resort by the forcible exclusion of the tribesmen"

Again, Sir, at page 9, Honourable Members will find that

"two and half millions of the trans frontier people are linked to the cis frontier people by ties of blood and economic necessity"

Honourable Members will further find that this trans-frontier is a powder magazine. This is stated at page 7

Now what is it which happened during the last Afghan War? What do my Honourable friends who have signed the majority report say about it? This is what they say

"There is yet another axiom to be stated, the inseparability of the various parts of the Pathan trans frontier. If this has bulked less largely in frontier controversies, it is not because it has less validity than the inseparability of trans and cis frontier, but simply because it has never been seriously questioned by anybody. It is transparently obvious to every frontier officer and to every reader of frontier history. To the former it is brought home by the day's routine. The latter needs no further proof than the events of 1897 when the whole trans frontier was ablaze from Wano to Buner."

This is rather important having regard to recent history

'or the third Afghan War which set the whole trans frontier agog from Wano beyond the Pathan country into Chitral"

Sir Denys Bray (Foreign Secretary) Trans-frontier, not cis frontier

Diwan Bahadur T Rangachariar But it is inseparably linked together by ties of blood and economic necessity. That is my point. In fact, it has been said that it is only an arbitrary line which divides the two, there is no real dividing line. They are the same people. The Waziri across the Frontier is the Waziri inside the districts, the Afidi across the Frontier is the Afidi inside the districts, and the same is the case with reference to the other tribes.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province Nominated Non-Official) What is the dividing line between your province and Coorg?

Diwan Bahadur T Rangachariar We will come to it later on. Now, if Honourable Members will refer to pages 39 and 40, they will see this is what is stated there. Sir, in paragraph 10 reference is made to what happened in 1919. I will not read the whole of it. Honourable Members will perhaps have read it.

"The policy advocated by Lord Curzon of withdrawing regular troops to cantonments in the rear and the entrusting of frontier posts to be held by the Militia did not stand the test of the wave of fanaticism which flooded the border in 1919 and at a very critical moment landed us in a very trying position."

Mr Abdul Haye (East Punjab Muhammadan) What about the Punjab in 1919?

Diwan Bahadur T Rangachariar On page 48 Honourable Members will find reference to the state of things there. This is what Colonel James, the Deputy Commissioner, said about the people just across the Frontier. He said that they

"do not deserve any consideration at all at our hands as neighbours. Hit them whenever you can, how you can and as hard as you can."

This is what he said to the Committee. There are other passages written by an experienced officer, Mr Ewart. I do not know if Honourable Members have perused his book, but some portions of it in Chapter V will be found very interesting reading. He is a man on the spot. He is the man in actual touch with the people of the districts and of the Frontier and also with the Bolshevik movement and the Afghan movement in that direction. He

gave us the benefit of his advice and if Honourable Members will read Chapter V of his book, as to how things stood in 1919, they will realise the importance of it. What is it that is recognised during the German War? We are all congratulating ourselves that the Frontier behaved all right during the German War. Who made it right, Sir?

Sir Denys Bray Madras!

Diwan Bahadur T Rangachariar It is, in the words of my Honourable friend, Sir Denys Bray, that sagacious statesman who was then in charge of Afghan affairs, the Amir. But for the firm stand which he took and but for the sound advice which he gave to the tribes, does my Honourable friend think he would have reason to congratulate himself and the Government upon the affairs in the Frontier?

Nawab Sir Sahibzada Abdul Qayyum Who started trouble in 1919? Was it started on the Frontier?

Diwan Bahadur T Rangachariar I am not concerned with that. The question now before us is different. What is the tract of country with which we are asked to deal to-day? (At this stage there was an interruption from another Honourable Member) I am not going to be drawn away from my path by these interruptions. The point which I wish to make is this. Here you have a 700 mile land frontier line inhabited on both sides by tribes which are homogeneous in race, which are homogeneous in language, which are homogeneous in tribal laws, and those tribal laws I have described in the words of the majority. Sir, that being so, what is it that my Honourable friends ask? My Honourable friend Mr Jinnah said when I interjected yesterday "Why not full responsible Government?" that he is prepared to give it. That is a question for all India to consider. It is not a question to be considered merely because our Muhammadan friends want it and we want to oblige them. If it were possible I should have been the first to do it. But in all-India interests, is it safe to isolate them like that? I do not want to deny them the privileges or the rights of citizenship. But, Sir, the question before the House is, having regard to the accepted position which my Honourable friend would not depart from, to isolate it as a small province with 22 lakhs of population and with 78 lakhs of revenue—I am going to deal with the financial aspect later—with such a small area, to give them the position of a major Local Government with an elected Council with an 80 per cent majority of elected Members and with budget power. To do what, Sir? To administer a population of 22 lakhs, not even half of Tanjore or North Arcot. Take one district, Tanjore, which I come from. Its revenue is more than a crore and its population more than 22 lakhs.

Mr Mahmood Schamnad Sahib Bahadur (West Coast and Nilgiris Muhammadan) What is the revenue of Coorg and what is the population of Coorg?

Diwan Bahadur T Rangachariar We have nothing to do with Coorg. Coorg is not a major Local Government. Coorg does not want a Governor. Coorg does not want Ministers. The proposition before the House is to give these five districts a major Local Government with a Legislative Council and Ministers and an Executive Council Member.

Nawab Sir Sahibzada Abdul Qayyum What are you prepared to give them?

Diwan Bahadur T Rangachariar The majority recognise this at page 10. They say distinctly here

"Whatever the differences between us otherwise, all members of the Committee are agreed that the management of external affairs must vest in the Central Government. And though as matters now stand we conceive that the Government of India—whatever the difficulties and drawbacks inherent in such an arrangement—might still stand as a transfer of power through the medium of a major Local Government, we all recognise that the difficulties and drawbacks"

—mark the words "difficulties and drawbacks"—

"would increase with the development of the General Reforms Scheme, until with the next definite advance in that scheme such an arrangement would become unworkable altogether. For a Central Government to entrust responsibility for the conduct of external affairs on its critical land frontier to an autonomous Local Government would be a violation of all constitutional theory and practice."

Now, that is what my Honorable friend Mr. Jinnah wants. Mr. Jinnah says that to-day he is prepared to give them even full responsible Government which the majority dread and say it will be a violation of all constitutional theory and practice. They were full of giving this over to the Punjab Government which in due course will develop into a major Local Government with provincial autonomy. The Honourable Members of the majority report recognise that it is impossible to entrust the administration of these districts to a major Local Government. This proposition asks for a major Local Government.

Mr. Mahmood Schamnad Sahib Bahadur No.

Diwan Bahadur T Rangachariar The Resolution is there. I have read the words. The Government of India Act Provisions are there, and I ask the House, the intelligent Members of the House, to draw their own inference. So the provisions of the Government of India Act are there. I am not going to tire the House by reading those provisions which must be obvious. They say on page 13 of their Report

"It is therefore inexpedient—we make bold to say impossible—

—this is what the majority say, not the minority,—

to transfer the administration of the districts from the Government of India to any major Local Government."

So these are the frontier axioms. These are the accepted facts laid down by the majority. My Honourable friends want to stand by the recommendations of the majority. Let them understand what the majority have recommended and then frame their Resolution. The Resolution before the House is quite contrary to the recommendations of the majority. The majority think it impossible constitutionally, unsafe constitutionally and unsound and dangerous to part with the powers of the Central Government to any major Local Government. That is what I ask the House to recognise. That being so, how can we lend support to a Resolution which goes against the principles accepted by the majority? (*An Honourable Member* "Are you fit for self government in Madras?" *Another Honourable Member* "Certainly not." *A third Honourable Member* "What about the Malabar Rebellion? Withdraw the Reforms from Madras.") I do not think that these passionate interruptions are going to divert me one bit from the calm reflection which I want to bestow on this question. My Honourable friends may laugh, but he laughs best who laughs last.

The financial position of the country is a matter which we cannot lose sight of. They want a major Local Government. Can they afford a major Local Government? They have to depend on the Government of India. They have to depend upon all India for their daily expenses. (*An Honourable Member* "No.") My Honourable friend may say, "No," but mere assertions do not constitute facts. Let us closely examine the budget which we passed only the other day for this North West Frontier Province. We have budgetted for an expenditure of Rs. three crores three lakhs. What is the revenue of this province? Rs. 78 lakhs, all told—income tax, opium and land revenue only Rs. 22 lakhs. A province which gets Rs. 22 lakhs land revenue wants a major Local Government! One *taluk* in my district produces more than Rs. 22 lakhs. All revenue put together comes to only Rs. 78 lakhs and they want a major Local Government! And all India has to pay and somebody else is to order the tune. By all means we agree to pay, but are we going to part with the authority to vote that expenditure? The point is this: those who have got to pay must have a voice in controlling the expenditure, and may I say that there is more need to control this expenditure. What is the past history relating to the expenditure in this province? It has been a sink-pit for all India revenues, and is this popular Assembly going to lose its control over the expenditure in this province? (At this stage Mr. K. Ahmed interrupted.) Sir, I must ask for the protection of the Chair against this constant interruption. I think my Honourable friend purposely interrupts.

Mr. President: Order, order. The Chair is willing to allow interruptions to a certain limit. Honourable Members exceed that limit and invite the interference of the Chair when they inflict a continuous volley of interruptions on a speaker so as to make it almost impossible for him to continue his speech, as in this case. The Chair trusts that Honourable Members will bear these remarks in mind.

Diwan Bahadur T. Rangachariar: Thank you, Sir. In 1902-03, the whole expenditure including the trans-border and cis border was only Rs. 74 lakhs and the deficit was Rs. 38 lakhs, that is in the year this province was formed. In 1913-14 the expenditure went up to Rs. 122 lakhs and the deficit was Rs. 75 lakhs. In 1918-19, the deficit was Rs. 81 lakhs, in 1919-20, it was Rs. 107 lakhs, in 1920-21, Rs. 126 lakhs, and in 1921-22, with an expenditure of Rs. 203 lakhs the deficit was Rs. 140 lakhs. In 1926-27 we have budgetted for a deficit of Rs. 252 lakhs. The province produces Rs. 78 lakhs and we pay out of the general revenues Rs. 252 lakhs that is to say, we make a present to them of income tax Rs. 8 lakhs we make a present to them of excise revenue, opium revenue and we make a present to them of general stamps Rs. 5 lakhs. In addition to that we find Rs. 252 lakhs out of the all-India revenues and is this Assembly going to lose its control over that expenditure? That is what you are asked to do. You pay Rs. 252 lakhs out of your general revenues and we will go on playing the tune,—that is what the proposal is. Again I may mention that the Retrenchment Committee in 1922-23 advised the North West Frontier Province to restrict its expenditure to Rs. 241 lakhs and what is it that the province is doing now? We are budgetting for Rs. 303 lakhs that is, Rs. 60 lakhs more than what the Retrenchment Committee recommended should be the ordinary expenditure. Again the expenditure in certain departments for instance, the Police which began with Rs. 5 lakhs in 1902-03 mounted up to Rs. 17 lakhs in 1913-14, Rs. 53 lakhs in 1921-22, and in this year

college certainly exists and each student costs about Rs 3,500 per annum. That is all we are asked to maintain. Sir, every administrator knows that it is only when districts form part of a large province that they can get the benefits of a full administration. You want a Chief Engineer, Executive Engineers, an Inspector General of Irrigation and all that paraphernalia of administration. But there is not one district like the Tanjore district or North Arcot and you want all this paraphernalia. Let me take opium excise. What has the Minister to do? Do my Honourable friends realise the difficulties of opium administration over this 700 miles land border where opium is smuggled according to the Revenue Commissioner's evidence before us? Is the Minister to be in charge of the administration there? Are the Central Government going to part with their authority in that matter? May I ask that question straightaway? Then, what has the Minister to take charge of? Education. What has he to do for money? Where is he to get the money from? Out of the revenue of 78 lakhs, we are spending 15 to 16 lakhs on education. Therefore, they will come to us for money. And we will have to decide what should be given to them having regard to our general requirements and having regard to our deficit or surplus as the case may be. Therefore, how can my Honourable friends representing the tax-payers of all India, who have to find the money for this purpose, blindly say that they will part with it? Sir, the Minister will be ambitious as all Ministers are. If he wants to be popular, he must start new colleges, more schools, more medical institutions and more hospitals for which he will require money. And where is he to get the money from? You will be tied hand and foot and you will be told afterwards, when they come for the money, that you have put a Minister in charge who cannot get on without money. He is unpopular with the people because he has no money to spend. My Honourable friend Mr Jinnah drew attention to the fact that the extra cost by giving the Executive Council and the Minister will be something like Rs 1,25,000. That may be so. But what are the implications of that procedure? That is what we have to see. The financial commitments already are large and the financial commitments which must come and which the province cannot bear must be very large indeed in course of time. So, looking at it from that point of view it is not a negligible factor. On the other hand, I attach the greatest importance to that aspect of the case. We are certainly thankful to them but, so far as finances are concerned, he who pays must have the voice in controlling the expenditure. It will be a generous control, but all the same control must be there.

Now, Sir, I have already adverted to the administrative aspects. You want an Executive Council and once the Executive Council is there, what is the trend? If we have one English Executive Councillor you must have an Indian Executive Councillor. Can we the Members of a representative Assembly, who claim Indianisation everywhere have the heart to say "You shall not have an Indian Executive Councillor"?

Mr M A Jinnah (Bombay City Muhammadan Urban) In the North-West Frontier Province you can say that

Diwan Bahadur T Rangachariar I do not know what will be the next step when the pressure comes from all sides. That is what I am apprehensive about. No doubt it is most popular to-day, but can you resist pressure? The Minister will certainly want more money if he wants to develop his business and become popular. What are the departments you are going to entrust to him? Are you going to entrust him with law and

order? I have relied on official records and on admissions of responsible gentlemen on the spot. Now, Sir, what is it that the official report of the Judicial Commissioner for the year 1920 says about the people. I will read one passage. The Judicial Commissioner in 1920, which is not an ancient record, said

"In 1912 the Sessions Judge of Peshawar remarked that there is reason to believe that in many cases the burglar and the thief had many of the Khans and leading Mahiks on their side"

Honourable Members who are familiar with the tract know what influence these Khans and local chiefs have in the province. The statement that I have just read is not an extravagant statement of any witness. It is what the Judicial Commissioner has said in his report. On page 48 he further says

"The hostile attitude of the tribes reacted on the people as a result of the close ties of kinship which unite the cis and the trans border tribes"

This was said in 1920 and my Honourable friends ask us to forget facts. How can we forget facts when we know the terror to which the people of those districts, both Hindu and Muhammadan, are subjected? Originally the Hindus formed the prey. But later on, like the man-eater who has succeeded in his first attempt, both the Hindus and the Muhammadans fell a prey to these raiders. And Honourable Members will notice that this remark was made by a Judicial Commissioner and not by an administrative officer. The Judicial Commissioner in 1920 said (Mr K Ahmed made an audible interruption) My Honourable friend should have patience to consider and weigh the fact. The Judicial Commissioner's remark is about the hostile attitude of the tribes. My Honourable friend Sir Denys Bray interrupted me a little while ago about the trans-frontier tribes. This is what the Judicial Commissioner says

"The hostile attitude of the tribes reacted on the people as a result of the close ties of kinship which unite the cis and the trans border tribes"

Mr K Ahmed Just as the non-Brahmin says about the Brahmin

Diwan Bahadur T Rangachariar Sir, I ask the House to pause and consider

Sir Denys Bray May I ask the Honourable Member what was the rest of the report? Is the Judicial Commissioner referring to some specific case?

Diwan Bahadur T Rangachariar I am only reading what the Judicial Commissioner said in 1920 in his report

Sir Denys Bray But the Honourable Member is quoting an isolated passage. Will he read out the rest of the passage? These isolated passages are very misleading

Mr K Ahmed Is it not more than half an hour, Sir, since Mr Rangachariar has been speaking?

Mr President Order, order

Mr K Ahmed Is there no time limit, may I ask?

Mr President Order, order

Diwan Bahadur T Rangachariar Let us not exaggerate the communal aspect of the position. It has nothing whatever to do with the question. There are only 2 or 3 lakhs of Hindus. What does it matter what happens to them? I am concerned in looking at it from all other points of view. Who are these people, what is it that sets the whole frontier ablaze, who is the enemy? Will the officials speak? Have not officials spoken before the Committee? Have they not given evidence as to who the enemy is? Peshawar was the winter capital of Afghanistan for nearly 700 years. These districts formed part of Afghanistan. (*An Honourable Member* "So did Delhi!") They had their eye on this jewel. My Honourable friend Sir Denys Bray is laughing.

Sir Denys Bray Personally I would much prefer if the Honourable Member were more discreet in his remarks. I was laughing not at him, but at an interjection that I had just heard.

Diwan Bahadur T. Rangachariar Let the records speak, not me. Let the records speak as to what their fears were in 1919-20 when that wave of fanaticism spread abroad. I quite agree that it is not tactful perhaps, not politic perhaps, to touch too much upon those aspects of the question. But I want the Honourable Members of the Government Benches to have a look into the military records and I am sure that His Excellency the Commander-in-Chief will place them at their disposal. I was not speaking of any evidence given, but I will now proceed to refer to what a very responsible and educated Pathan said before the Committee.

"I belong to this Province and am a Pathan. I have experience of Persia. For three years I was in Consular service as Assistant to the Consul in Sistan in Persia. From there I returned as Personal Assistant to the Chief Commissioner Baluchistan and I have experience of the whole of Baluchistan. During that period I was Attaché with the Afghan Prince, Inayatulla Khan, and interpreted between Lord Curzon and the Prince. Subsequent to that when it was proposed during the Amir's presence in India to send Sirdar Ayub Khan, brother of the ex Amir, who is dead now, to Japan I was Assistant Political Officer with him. When I returned from there I was Assistant Political Officer with the ex Amir Yaqub Khan. I have experience of the entire Afghan family, besides being an Afghan myself. I know most of the magnates of Kabul. I was British Representative at Kandahar. I have experience of Baluchis and Afghans and I know Brahui and Baluchi. In this case not only do I know the Afghan across the border but the people of the independent territory too."

Now, will my Honourable friend listen with patience to what he says?

Sir Denys Bray No, no.

Diwan Bahadur T Rangachariar You will not listen?

Sir Denys Bray Not with patience!

Diwan Bahadur T Rangachariar The House should realise (*An Honourable Member* "Never")—the whole of India should recognise (*An Honourable Member* "How can they!")—we have to recognise the sentiments of the whole of the three hundred millions in this land. What does he say?

"As far as Islam "

Mr President Will the Honourable Member bring his remarks to a close?

Diwan Bahadur T Rangachariar This is what he says. He says

"As far as Islam is concerned and the Muhammadan idea of the League of Nations goes, I am against it."

Q—The idea at the back of your Anjuman is the Pan-Islamic idea, which is that Islam is a league of nations and as such amalgamating this Province with the Punjab will be detrimental, will be prejudicial to that idea. That is the dominant idea at the back of those who think with you? Is it so?

A—It is so but I have to add something. Their idea is that the Hindu Moslem unity will never become a fact, it will never become a *fait accompli*, and they think that this Province should remain separate and a link between Islam and the Britannic Commonwealth. In fact, when I am asked what my opinion is—I, as a member of the Anjuman, am expressing this opinion—we would much rather see the separation of Hindus and Muhammadans, 23 crores of Hindus to the South and 8 crores Muslims to the North. Give the whole portion from Raskumari to Agra to Hindus, and from Agra to Peshawar to Muhammadans, I mean transmigration from one place to the other. This is an idea of exchange. It is not an idea of annihilation. Bolshevism at present does away with the possession of private property. It nationalizes the whole thing and this is an idea which of course appertains to only exchange. This is of course impracticable. But if it were practicable, we would rather want this than the other.

Q—That is the dominant idea which compels you not to have amalgamation with the Punjab?

A—Exactly

* * * * *

Q—When you referred to the Islamic League of Nations, I believe you had the religious side of it more prominently in your mind than the political side?

A—Of course, political Anjuman is a political thing. Initially of course, any thing Muhammadan is religious, but of course Anjuman is a political association.

Q—I am not referring to your Anjuman, but I am referring to the Mussalmans. I want to know what the Mussalmans think of this Islamic League of Nations, what have they most prominently in mind, is it the religious side or the political side?

A—Islam, as you know, is both religious and political.

Q—Therefore politics and religion are intermingled?

A—Yes, certainly.

Here is another witness, a B A, B L

“As a matter of fact, the Pathan considers himself more to belong to the hills than to India. He has more sympathies with his kith and kin of the trans border than with the Punjabis or the rest of the Indians. A Pathan would never consent to being called anything less than a ‘Pathan’. It is a question whether he can be Indianized at all.”

That is the attitude of the people of the district. I respect them for their views, I respect them for their patriotism, I respect them for their faith in their own kith and kin, but, Sir, self-interest demands, self-preservation demands that we should not allow them to be a source of trouble. This frontier has always been a source of trouble. Everyone has admitted that. It is all very well for Sir Abdul Qaiyum. If we had more Abdul Qaiyums there.

Nawab Sir Sahibzada Abdul Qaiyum How are the reforms and the suggested Council going to make them worse, and what is your remedy for all that, supposing what you say is correct?

Mr President Does the Honourable Member from the Frontier Province want the Honourable Member to continue?

Diwan Bahadur T Rangachariar Far be it from me that you should not have the opportunity for self-government. But what is self-government? I want them to come here or to go to Lahore and mix with the rest of the civilised world and take their civilisation with them. I want more Abdul Qaiyums here so that we may get your manliness, your independence, so that we may impart to you a sense of civilization, a love for culture, and give up your tribal law. Is it good to themselves?

You allow Majnais in Madras to meet together, pass laws together. What will they do? How do you expect them to improve themselves? You do not give them a chance of improvement. Go to the Punjab. There is no difficulty in it.

Nawab Sir Sahibzada Abdul Qaiyum. But the local Council will send better people here than Abdul Qaiyums to help you in the lobby.

Diwan Bahadur T. Rangachariar. I know that. I do not want more Abdul Qaiyums of that sort to uphold me in the lobby. Once you have got there, your local feuds—I am not speaking of the feuds between Hindus and Muhammadans—but between tribes and tribes who live in fortresses fighting each other.

Mr. M. A. Jinnah. But we have more than one lakh of Hindus in that province.

Diwan Bahadur T. Rangachariar. Never mind the Hindus.

Mr. M. A. Jinnah. They are there.

Diwan Bahadur T. Rangachariar. What will happen?

Mr. M. A. Jinnah. There will be many Rangachariars amongst those Hindus.

Diwan Bahadur T. Rangachariar. I know, they get protection by attaching themselves to the Khans. I know that, the protection afforded to the Hindus is because they attach themselves to particular Khans, and I say they are free to do so. The Khans protect them at the cost of their lives, I have seen it in trans-frontier territory, there are Hindus living there, but each of them is attached to a particular Khan. Therefore, as I have said, we must realise what is the proposition we are asked to support. They want a major Local Government, it is politically unsound, financially disastrous and administratively useless. Sir, I oppose the Resolution.

Lieutenant-Colonel H. A. J. Gidney (Nominated Anglo-Indians) Sir, I have but one vote in this House, and after very careful consideration and deliberation on this matter, I have decided to give that vote in favour of this Resolution and to walk into the lobby with my Muhammadan friends in support of it, and I do so, Sir, because I feel that the House has in the main accorded its support to this Resolution. We have the empty Benches in front of us, but I understand that the Leader of that Party has expressed himself in favour of this proposition. Therefore, the opposition to day consists of a few people, mainly those who reside thousands of miles away from the area under discussion. Sir, I cannot understand why my friends Sir Sivaswamy Aiyer and Diwan Bahadur Rangachariar have so stoutly opposed this Resolution. Sir Sivaswamy Aiyer yesterday brought all his cavalry and artillery into action and gave us a charge at break-neck speed on this matter. His speech was delivered at such a speed that I really could not understand what he said. It was so different to his usual slow, studied and deliberate method of addressing this House. He was addressing a large audience than this House—the public and the Press. To day we have Diwan Bahadur Rangachariar, after having heard all the arguments on the opposite side bringing in his peculiar line of arguments which are so characteristic of the legal way he deals with such debates especially on the financial aspects, as if he were

cross examining a witness. He has brought forward certain points which I am sure have impressed this House to a certain extent, against the acceptance of this Resolution. But he put forward certain figures which I believe are not quite correct and which he has not explained to this House, because I understand that the expenditure he detailed and used with such force against this Resolution refers to both the Agencies and the settled districts in the North West Frontier Province, and I believe the Agencies are an imperial charge and have no concern whatever with the charge for the settled districts. Moreover, Sir, whatever extra expenditure is involved, I do not think the financial situation is very different to the present position of Assam, which as a Province is just paying its way and which nevertheless still supports all the paraphernalia on which Diwan Bahadur Rangachariar laid so much stress as necessary for a new North West Frontier Province. Sir, I am surprised at the attitude taken up by the opponents in their position either as Nationalists or Independents, for I cannot understand how with one breath they cry out for a Royal Commission to give a further advance in Reforms to this country, while with the other they decry and oppose the introduction of Reforms for another part of India the North West Frontier Province. Diwan Bahadur Rangachariar to day said he dealt with this matter as an Indian, but is he not nullifying that statement by now refusing to the North West Frontier Province an equal measure of self-government to that which he enjoys in his own province? Indeed, Sir, I think that this province being one that can look after itself and defend itself, is in a more fit condition to receive self-government than one not so qualified. I am familiar with this province and I consider that the inhabitants of the North West Frontier Province are one of the most manly types of people you could meet in India. They are people who look you straight in the face they are people who do a straight deal irrespective of the consequences. The Honourable the Home Member asked us to give very serious thought to this Resolution and to give very careful consideration to our votes. The Government have, I think wisely taken up an attitude of "wait and see" in connection with this Resolution.

Now what does this Resolution ask for? It asks for the grant of Reforms, and I am sure the Mover of this Resolution would be prepared to accept from the Government whatever nature and extent of Reforms they thought necessary. As to the warning the Home Member gave I think it is very timely, timely for reasons which as Diwan Bahadur Rangachariar said, are hidden away in the archives of the Political Department. But, Sir if those records are asked to speak on behalf of the North West Frontier Province, what I ask the Political Secretary, will the records of Bengal say? The Honourable the Home Member said there was a miscellaneous display of cutlery and a display of arms wherever you went in the North West Frontier Province, but, Sir, those arms and that cutlery were openly seen not hidden from the official gaze. Compare that with the arms and cutlery to be found in another province, a province with which Government are flirting and to which they are very desirous of giving Reforms namely Bengal.

Reforms " and yet you are forcing reforms on them. On the other hand, you here have a province which says " I am anxious to do what you want the rest of India to do, but what they refuse to do—i.e., to co-operate with your Government in the Reforms " and yet you hesitate and you ask this House to decide and you say you will not vote on the Resolution. Now Sir, I consider this is a question on which Government should give an opinion, a very decided opinion. It is no use to play a wait and see game and then after we have given our vote to say " I told you so " I want the Government to indicate here very clearly what is their opinion on this important matter? Sir, the Honourable the Home Member in his very wise and cautious speech said every Member of the House must seriously consider the matter before he gives his vote and he made use of a very apt saying

" Full many a shaft at random sent
Finds mark the archer never meant "

If that is to be applied to the North West Frontier, might I transpose it for another province, where Reforms have been given and failed somewhat like this

" Full many a shaft the anarchist sent
Finds mark the archer never meant "

Sir I look upon this Resolution as a touchstone, I look upon it as a pivot and a crucial test of the future relations between Hindus and Muhammadans, an unrivalled opportunity for the Hindus and Muslims to shake hands in mutual trust, faith and confidence. If in other provinces the Muhammadans did not object to the Reforms, I think the Hindus should return the compliment and tell the Muhammadans to day " We trust you in the same way as we asked you to trust us, and we do not oppose this Resolution " It seems to me what is sauce for the goose is sauce for the gander. Extra expenditure I know will be involved, but who gets the benefit of it? My friends sitting opposite there who come from thousands of miles away—Madras—forget their provincial safety. The North West Frontier Province is the gateway of India, it is a part of India on the defence of which Government spend crores and crores of rupees. It is a part of India where we have a body of men who have been faithful to us. Then, again, I ask, where do the Government of India get a part of their income but from provincial contributions? What about the Honourable Member's own province? Has he not lived on the charity of the Government of India? I refer to this year's reduction in the provincial contribution from Madras.

Diwan Bahadur T. Rangachariar No major province depends upon that.

Lieutenant-Colonel H. A. J. Gidney You seriously allege that India has been emasculated by not being allowed to possess arms, but you object to the Frontier having them.

Diwan Bahadur T. Rangachariar Who said that? On the other hand I have recommended that arms should be freely distributed.

Lieutenant-Colonel H. A. J. Gidney Not you individually, but others who have opposed this Resolution.

Sir to sum up, it seems to me this is a Resolution that should commend itself very favourably to this House and I am very glad indeed to

see my European brethren here have decided to support it. As I said before, I have but one vote and I value that vote on all occasions, but, I assure my Muhammadan brothers here that I will give it to them with pleasure on this occasion.

Sir Hari Singh Gour (Central Provinces Hindi Divisions Non-Muhammadan) Sir, I should like to contribute a few words to this discussion. I find that as far back as 1900, when the question of the separation of the North West Frontier Province was mooted by the Government of India Lord Curzon gave expression to the following views. I read from his official despatch dated the 27th August, 1900. He said

"It will express and enforce the direct responsibility of the Government for foreign affairs. It will enable the Viceroy to take up the most important business of the department of which he is the personal chief. It will free the management of frontier politics from the delays that are inseparable from a chain of reference whose strength is sacrificed to its length."

And the Secretary of State in accepting his proposal in paragraph 8 of his despatch, wrote as follows

"In the meanwhile Her Majesty's Government generally approve of your proposal as tending to express and enforce the direct responsibility of your government for frontier affairs and to free the management of frontier politics from the delay inseparable from the present system."

The question of cost was raised in 1900, and this, Sir, is what Her Majesty's Secretary of State wrote on that question. Lord Curzon had said

"It will not entail any additional burden upon the Imperial revenues."

And the Secretary of State said in paragraph 8

"If on close examination of the various changes and adaptations inseparable from the constitution of the new Commission apart from the Punjab Government, it is found that they do in fact involve no additional expense, the result will be undoubtedly satisfactory."

Now, Sir, these are the two conditions upon which the Frontier Province was constituted, first, that it will entail no additional cost, and second, that the frontier policy will be directly in the hands of the Governor General, and I find, Sir, that Colonel Gidney, who seems to have changed his views, gave expression to identical views on the 21st of September, 1921. Speaking on the motion he said

"The domestic policy pursued in a territory contiguous to the frontier must inevitably react upon foreign policy and upon defence. It is inconceivable that domestic policy in such territory should be directed by any authority other than that which is responsible for foreign policy and defence."

This is nothing but a paraphrase of the views of the Government of India and the Secretary of State. Now, Sir, the question that I wish to ask this House is this. Only two days back, when the Education Secretary asked for a supplementary demand of Rs. 50 lakhs for the purpose of Archaeology, my friend, the Honourable Mr. Jinnah, and other Members of this House rose up in arms against him and said "This will take away the jurisdiction of this House to grant supplies, and you are withdrawing from the cognisance of this House a large sum of money which will disappear and will be used by trustees which this House cannot tolerate." That, Sir, was the principle that we who are responsible to the tax payers for the safe use of their money, should also be responsible for voting supplies. I apply that principle to the present case. The Frontier Province

is annually a deficit province. The Honourable Mr Rangachariar has pointed out and I have verified his facts—we find from the current Budget that we have to subscribe no less than Rs 2½ crores for the maintenance of the Frontier Province. Now, I ask the Honourable Members one short question. This annual sum of money which you vote for the upkeep of the Frontier Province, are you prepared to take it out of your vote and make it over to the Local Government to be distributed? That is the short question.

Raja Ghazanfar Ali Khan (North Punjab Muhammadan) It is not necessary.

Sir Hari Singh Gour My friend the Raja who led the debate says it is not necessary. Very well, Sir. If this House is to vote its supplies every year to the North West Frontier Province, how is it consistent with the constitution and the existence of local autonomy?

Raja Ghazanfar Ali Khan For unsettled districts.

Sir Hari Singh Gour Then my friend says, he does not want these Reforms to be given to the whole of the Frontier Province, but he only wants them for the five settled districts. Well, Sir, I will reply to him in the words of the then Law Member, who, speaking on behalf of Government, disposed of that argument in the following words:

“The population of the five settled districts there is intimately connected and associated with the five agency tracts. In fact I am told that there are many among them who have houses on both sides of the Frontier. Their relations are intimate, and it would be in the opinion of the frontier officers who know the province, extremely dangerous and disastrous to divide control in that part of the country.”

That is my answer to the Raja Sahib. You cannot possibly give Reforms to five districts and refuse those reforms to the other five trans-border districts.

Nawab Sir Sahibzada Abdul Qaiyum. The conditions are different. I cannot follow the reasoning.

Sir Hari Singh Gour. I have given the reasons.

Nawab Sir Sahibzada Abdul Qaiyum I hope the Honourable Member will confine his arguments to the extra expenditure which will be involved in starting the Reforms, and not to the whole expenditure of the Frontier Province. These five districts are already under the administration of a Chief Commissioner. What remedy is there for reducing the present expenditure?

Sir Hari Singh Gour I have quoted Lord Curzon, and I have quoted the Secretary of State. I have also quoted the Law Member. I wish presently to place the Nawab Sahib in the same distinguished company and in favour of the view which they have expressed. If he will only pause for a minute, I will quote his own words.

Now, Sir, I am dealing with this question first, about the pronouncement made in 1900 by the responsible authorities both in India and in England when the Frontier Province was carved out of Punjab, and I further wish to point out that so far as this Resolution is concerned, it does not deal with the five settled districts, but it deals with the whole of the North West Frontier Province. Honourable Members will probably say

that this Resolution must be read in its spirit and not literally I am prepared to do that I am prepared to concede that this Resolution must be understood as meaning that the Reforms are merely to be extended to the five settled districts, in other words, to half of the Frontier Province Now, Sir, what is the position there? I find, Sir, that about two years ago there was a meeting held by the Revenue Commissioner, Colonel Keane, the present Officiating Chief Commissioner, and he inquired of the people—my friend the Nawab Sahib was present at that meeting,—whether they preferred elections to nominations in the municipalities, and

Nawab Sir Sahibzada Abdul Qaiyum Not in the municipalities, please

Sir Hari Singh Gour. In the District Boards I stand corrected—in the District Boards, and they all said that that they did not want elections, they wanted nominations

Nawab Sir Sahibzada Abdul Qaiyum. No

Sir Hari Singh Gour And I say, Sir, that only two years ago at a representative meeting, when the public opinion of both Hindus and Muhammadans was sounded, they agreed in preferring nominations to elections in the District Boards

Nawab Sir Sahibzada Abdul Qaiyum May I point out, Sir, that we never said that we did not want the election system or Reforms in the Province What we said was that there was no use of introducing reforms in the District Boards in which there were very few non-Muslims and non-Pathans, but that we wanted the Reforms to be started right through the whole province first, particularly in the municipalities and, then in the ordinary way, in the District Boards, etc We said that there was no use of introducing these reforms, first, in the District Boards which were composed of almost one class of people only

Sir Hari Singh Gour I am much obliged for this interruption I find that the Nawab Sahib was fairer than I was He is perfectly fair He said that when he went there he said that he did not want the reforms to be introduced in the District Boards He wanted to introduce the reforms first, in the municipalities, and then in the District Boards, and then he wanted them to be extended to the whole Province I say, Sir, that is the language of a statesman, and I congratulate the Honourable Member in giving expression to it here Now, if I say

Nawab Sir Sahibzada Abdul Qaiyum I wanted the mother to come forward and produce children It is unnatural that the children should come first and the mother afterwards

Sir Hari Singh Gour Well, Sir, I leave it to the House I ask Honourable Members fairly to consider this very short statement which the Nawab Sahib has made In British India long before the advent of the reforms the municipalities and District Boards had been autonomous

Raja Ghazanfar Ali Khan Not all

Mr Abdul Haye Not simultaneously

Sir Hari Singh Gour In the first you had municipal elections then you had elections to the District Boards, and only two years back Sir Abdul Qaiyum opposed elections even to the District Boards He said he wanted no reforms at the foot of the ladder from which they began under

Lord Ripon's Viceroyalty in 1880 in India. That was the preparatory stage here, and when the people realised the value of elections, then further reforms became necessary and were introduced. Now, your spokesman in this House, the inspirer of the Resolution, has himself admitted now

Mr President: The Honourable Member forgets that the Chair is on this side

Sir Hari Singh Gour: The Honourable Member has himself admitted that only two years back he was against the introduction of reforms in the constitution of the District Boards, and I will leave it there

Now, my point is this. We are here dealing with some frontier Districts, not the whole of the Frontier Province, but only a part of it, and the resolution is interpreted as saying, which it does not say, that you must give to only a part of that Frontier Province, I take it, the Reforms provided for in the Government of India Act, which relate to Legislative Councils, the appointment of Ministers, etc. Now, Sir, if you were to introduce ministerial responsibility and a local Legislative Council, I wish to ask, how is it consistent with the declaration of the Secretary of State and of the Government of India of 1900 when this new province was constituted? My second point is, how is the cost to be met? My friend the Raja Sahib says it will come out of the general revenues of India and will be voted by this House

Raja Ghazanfar Ali Khan: I did not say that

Sir Hari Singh Gour: It will come out of the revenues of India. Well, Sir, I ask the House, if it is to come out of the revenues of India it must be placed upon the estimates of this House. And is this House prepared—that is the short question—is this House prepared to abdicate its duties and responsibilities of transferring a large sum of three crores of rupees every year without any control which it exercises by its annual vote on the Budget?

Nawab Sir Sahibzada Abdul Qayyum: I would ask the Honourable Member to confine his arguments to the extra expenditure which will not be, roughly speaking, more than Rs. 60,000 a year.

Mr President: That is the function of the President and not of the Honourable Member

Sir Hari Singh Gour: I am afraid, Sir, there is a little confusion in the Nawab Sahib's mind. The extra expenditure is not the only thing to be considered. You have to run the province with a Budget of its own, and that Budget can either be voted by the Legislative Council or by the Legislative Assembly, and if it is once placed upon the estimates of the local Legislative Council, it follows that the Legislative Assembly will be deprived of the power of vote which it now possesses and which it exercises in respect of the North West Frontier Budget. That, I submit

Mr Mahmood Schamnad Sahib Bahadur: From that Budget, Sir

Sir Hari Singh Gour: That, I submit, is a deprivation of the power against which this House has almost unanimously protested only 48 hours back

Mr M. A. Jinnah: What about Burma? What did you do in Burma?

An Honourable Member What about Railways?

Sir Hari Singh Gour The House will further remember that the North West Frontier Province was constituted for the purpose of giving a direct hold to the Government of India on its foreign policy, and if my Honourable friends do not ask the Government of India to use their good offices to extend the reforms to the 5 districts, I ask them why Baluchistan should be excluded from it.

Nawab Sir Sahibzada Abdul Qaiyum No, not excluded.

Sir Hari Singh Gour Apparently my friend will say that the Reforms must be extended to Baluchistan.

Nawab Sir Sahibzada Abdul Qaiyum Why not? And later on to the tribal area too.

Sir Hari Singh Gour And to the Santhal Parganas, and in fact to all provinces which are geographically within the limits of British India.

Nawab Sir Sahibzada Abdul Qaiyum. And form part of the Indian Empire and are subject to Indian laws.

Mr K. Ahmed You can have your Marriage Bill circulated then.

Sir Hari Singh Gour I wish in this connection to draw the attention of the House to what took place when there was a debate on a very similar motion by my friend Mr. Harbilas Sarda relating to the small province of Ajmer Merwar. The Government then said "You are a deficit province. You cannot pay your way, and so long as you remain a deficit province, you cannot have Reforms."

Raja Ghazanfar Ali Khan Political importance.

Nawab Sir Sahibzada Abdul Qaiyum But what did you and the Swarajists say on this point and where did you vote?

Sir Hari Singh Gour I submit that that argument applies *a fortiori* to a province where the deficit is as much as in the case of the North West Frontier Province.

Mr K. Ahmed How can you say that? Are you speaking for yourself or justifying your return to this Assembly on the Swarajist ticket?

Mr President Order, order.

Sir Hari Singh Gour Then Sir, dealing with the North West Frontier Province, I have no doubt that here again I shall be supported by the Honourable the Nawab who is the foster father of this Resolution (*An Honourable Member* "No"). Is it not a fact that there are such things as *para jamba* of which a very weak rendering is factions and is it not a fact that these factions are above politics, above religion above all and they are the ripe source of life-long blood-feuds and vendettas unknown anywhere in India.

Nawab Sir Sahibzada Abdul Qaiyum I have seen the worst type of "*para jamba*" (party feelings) on the floor of this House, worse than in the Frontier Province.

Sir Hari Singh Gour The fact that they exist elsewhere in India does not minimise the fact that they are there in their pristine vigour and

strength. The fundamental principle of every democratic or representative institution is that the representatives of the people should think imperially and think of the good and welfare of the provinces as a whole and not of the small parties to which they belong. I ask, Sir, would it be conducive to the peace and welfare of the province as a whole if these Reforms are extended to the North West Frontier Province at this stage?

Nawab Sir Sahibzada Abdul Qaiyum. I will say just one word, Sir. If the Reforms are taken away from the Honourable Member's province, namely, the Central Provinces, where the situation is worse in this respect than in the North West Frontier Province, then we will be quite prepared to remain without reforms.

Mr. President. This is neither a personal explanation nor a point of order.

Sir Hari Singh Gour. I wish to point out one other fact.

Mr. President. I hope the Honourable Member will now bring his remarks to a close.

Sir Hari Singh Gour. I think, Sir, that the remarks of these Honourable Members (meaning those who had interrupted) have been more than my remarks.

Mr. President. The Honourable Member must understand that the House is getting impatient. He will therefore bring his remarks to a close.

Sir Hari Singh Gour. One more point I wish to bring to the notice of the House. Under the Government of India Act the North West Frontier Province is excluded and it would require an amendment of the Government of India Act to include the North West Frontier Province under the provisions of that Act.

Mr. M. A. Jinnah. The Act ought to be amended.

Sir Hari Singh Gour. My friend says that the Government of India Act ought to be amended. I have no doubt, Sir, that when the Government of India Act is amended, these questions will receive consideration, and I do entreat the Government of India to give an assurance that if and when the Government of India Act is revised, this question will not be ignored and that it will be taken into consideration along with the further Reforms which the Royal Commission or the Statutory Commission or any other Commission that may be set up may take into consideration.

Maulvi Sayad Murtuza Sahib Bahadur (South Indian Muhammadan). Sir, before availing myself of the right of reply I thank those gentlemen who have supported me wholeheartedly, especially Colonel Crawford and Colonel Gidney, who are the gallant representatives of a gallant race, (*An Honourable Member* "And Mr. Bipin Chandra Pal") and I value the support of Mr. Bipin Chandra Pal more because he is a member of the Hindu Mahasabha and a member of the Sangathan, and yet he is prepared to espouse the cause which is a righteous one. I also thank the leader of the non-official European party, Sir David Lindsay, for his wholehearted support. Gentlemen, when I say this, it is not meant that I do not thank those that have opposed me. I thank the opposers of this proposition.

also, especially Sir Hari Singh Gour, the last speaker, who has assured the House, having placed himself in the capacity of the Home Member, that the Frontier people will get this and that when the further consideration of the reforms is taken up by the Government, as if he is in the know of the Government secrets that we are going to get this and that to-morrow or the day after. Till then, he wants the frontier Muhammadans to observe silence, and the silence of the dead. Now, as regards the other three speakers that have opposed me, two are from my own province of Madras, and they are my personal friends. One is my family friend and the other was my colleague in the Madras Legislative Council.

Mr K Ahmed What is his name?

Maulvi Sayad Murtuza Sahib Bahaadur I mean Sir Sivaswamy Aiyer. As regards Pandit Madan Mohan Malaviya, he is a nationalist and that is recognised by all of us. I cannot question his nationalism. At the same time, he has, at least in this question, introduced communalism. He has been overpowered by a spirit of communalism. Nationalism has given way to communalism when he unnecessarily dragged in the question of Kohat and the question of Peshawar, simply with the object of undermining the spirit of my Resolution. I have to measure myself against these four stalwart politicians who are all vakils. I cannot succeed in that, but I shall try my level best to prove how far the arguments advanced by them have fallen through. Two speakers from my province laid stress on the voluminous evidence recorded by one of them. But, Sir, when the majority report is before us, who are expected to have discussed and sifted every question, there is no necessity for our going into all the details. As regards my Honourable friend, Sir Sivaswamy Aiyer, he is the originator of this debate, as the Committee itself was formed in pursuance of a Resolution moved by him. Before saying something regarding the question itself I have to inform my Honourable friend, the Home Member, that it is not Nawab Sir Abdul Qayyum who was the inspirer of this Resolution, and at the same time I have to inform my Honourable friend over here that Nawab Sir Abdul Qayyum is not the father of this Resolution. This Resolution was drafted by us all and the Home Member is not accurate when he says that I am from Madras and am not in touch with the Frontier. In my opening speech I said that I have been to the Frontier. I have seen the intelligentsia of that province, I have discussed with them matters regarding their well-being and as to how the law is being regulated there, what hardships they are being subjected to under the Frontier Crimes Regulation, and so forth. Along with those points this point of Reforms also was taken up. Ever since I had been there, I have had a longing to move this Resolution and I am fortunate to have drawn the ballot in my favour. No doubt, as has been rightly observed by Sir Sivaswamy Aiyer, I was cautious enough not to import communalism when I handled the question on the 16th February, and the Muslim speakers that followed me also handled it in the same strain, a fact which has been borne out by the Press. Pandit Madan Mohan Malaviya consciously or unconsciously went to his fury against the furious Pathans of the Frontier when there was no occasion for it at all. All his arguments having been fully met by the three Punjabi speakers, Raja Ghazanfar Ali Khan, Abdul Haq and Mr Ghulam Bari, and my Honourable friend, the leader to a party of which the Panditji had been a Member.

16th

Mr M A Jinnah I have not spoken on the floor of this House on this Resolution as representing my Party I spoke entirely in my individual capacity

Maulvi Sayad Murtuza Sahib Bahadur The question of keeping the people of the settled districts of the Frontier deprived of such Reforms as were introduced in other Provinces by the Government of India Act of 1919 and in addition denying them the benefits of such penal laws and criminal procedure as are in force in other provinces and were in force in the 5 settled districts of the Frontier also up to 1901, when they were separated from the dissimilar people and region of the Punjab, is one question and the question of amalgamating these five districts with the Punjab or redistributing the areas of the two provinces in any other manner is another question. One or the other may be discussed on its merits, but the two must not be confused. I am prepared to discuss the question of amalgamation or redistribution on the merits, but I submit that when the only question that I am discussing is of the political and civic rights of the people of the Frontier Province it is not fair to befog the issue by importing into the discussion the question of amalgamation or redistribution. It seems to me that a considerable part of the Hindu opposition to the extension of the Reforms to the Frontier Province is based on considerations that are not provincial but are imported into these discussions from other Provinces of India. In no other province are the Hindus in such a minority as in the North West Frontier Province, and being in most of the provinces in large majorities, in some no less large than the Muslim majority in the Frontier, the most communally-minded Hindu can pose as a nationalist and talk of democracy and mixed territorial representation or at least of joint electorates even if separate representation to the Muslim minorities is conceded. This pose cannot possibly be maintained any longer if the five settled districts of the Frontier not only remained a distinct and separate province but also secured the Reforms asked for in my Resolution. One need not be a prophet to predict that the moment the reforms are granted to these five districts as a distinct and separate province the Hindu minority thereof will begin to clamour as vociferously as the most nervous Mussalman seeking adequate and effective separate communal representation by means of separate electorates. The whole show of nationalism will then be given away if the Hindu minority in the Frontier proves just as anxious, if not more, for all those safeguards as the Muslim minorities elsewhere demand. It is for this reason, and mainly, if not solely, for this reason, that such a large part of the Hindu community is ranged against me to day. This is the reason why some prominent Hindus of Southern India are even more anxious for the amalgamation of the Frontier Province with the Punjab than the Hindus of the Punjab itself let alone the Mussalmans who are so emphatically and clearly opposed to it. That is the reason why on the pressure of the Punjab Hindus and their Hindu supporters of other provinces, the leader of the Swaraj Party gave to the Mussalman members of his party nominally two alternatives amalgamation to day or Swaraj to morrow but in reality it connoted no other alternative but amalgamation, because he allowed to be tacked on to the alternative of Swaraj to morrow the significant addition "subject to such redistribution of provinces as may be found necessary." It is true that more recently it is pretended that the Hindus of the Punjab too no longer desire amalgamation. What is it that they desire after all? What they desire can be judged from the recent resolution passed by the Mahasabha with only one dissentient voice, which was

to the effect that they desire that things should remain as they are. But I shall be charitable enough to believe that the Hindus in the Mahasabha also love freedom too much to be satisfied with the conditions of slavery that prevail to-day in the Frontier. Even though the chief sufferers are the Mussalmans and not the small Hindu minority, I do believe that the Hindu Mahasabha also wants Reforms but on one condition and that condition is that the Mussalman majority in the Frontier must merge itself in the small Muslim majority in the Punjab which has to be content with its 50 per cent representation. The alternatives offered to the Mussalmans of the Frontier are that they should either remain the slaves of the Bureaucracy or submit to a merger in which the huge majority would be practically unavailable to them. But to make the Mussalmans subject to the merger the Hindu Mahasabha and the Hindus of the Punjab now pretend that they do not like even the merger but must keep the Mussalmans of the Frontier in the existing condition of slavery. This, it is believed by the Mahasabhaists, would bring the Mussalmans to their knees and compel them to beg themselves for amalgamation. This is an old trick and those who habitually drive hard bargains are past masters in playing it. The Persian proverb sums up this mentality which runs as follows:

"Ba marqash baqcer ta ba tap razi shawad"

("Demand death and he will agree to fever")

But the Mussalmans of the Frontier will not agree to fever and as for death they are generally accused of preferring other people's death to their own. This insistence whether direct or indirect, of amalgamation with the Punjab is nothing short of political blackmail and I trust that every right-thinking Member of this House will help the Frontier Province in resisting it. It will be a vain effort to appeal to the rest of the House even though I am sorry to say the large bulk of this section of the House hails from my own province. It was perhaps on this account that the Providence which presides over the ballot destined it that a Mussalman from the same province should move this Resolution:

*'Asman har i amanath na tavanisth lasheed,
Khura-i fal ba namai man i deenana Zadand'*

("The burden of responsibility which could not be borne by Heaven has fallen to my lot")

I bow to that Providence though I must say that it has involved me in difficulties with the party which had opposed my election, but which I joined after defeating its candidate and which I followed in the walk-out even though it had compelled me to resign. It is a sense of duty alone—a duty the demands of which are more insistent than any party discipline—that has compelled me to be present here to-day only to defend the cause that I championed. So far as I am concerned, Sir, I have no control over the barrier of technicalities and what I realise as my duty I have discharged. A certain charge has been levelled against me by one nationalist paper of Bengal. If my memory does not fail me it was the *Amrita Bazar Patrika* which said that it was in a partisan spirit that I moved the Resolution. From the floor of this House I have to inform the editor of that Journal and those that share his views that I am above partisanship and have been so ever since my school and college days. I can easily substantiate my statement and disprove the charge by referring to the

fact that it was only on the 24th February, 1925, that I supported a similar Resolution moved by my Honourable friend Rai Sahib Habibdas Sarda, demanding a Legislative Council for the province of Ajmer-Merwara where, as the House is aware, the Mussalmans are in a minority. The peculiarity of that Resolution was that there was not a single word either in the Resolution itself or in the speeches made by the Mover and others about safeguarding the interests of the minorities. My friend, the Mover of that Resolution will bear me out when I say that his Resolution ran thus

‘This Assembly recommends to the Governor General in Council to be pleased to establish a Legislative Council for Ajmer Merwara’

The said Resolution was supported not only by me but also by six other Mussalman Members, the total number of supporters of the proposition being 26. So far as my Resolution is concerned, it is cautiously worded making provision for safeguarding the interests of the minority community.

Now, Sir, as regards my friends from my own province, Madras, I have simply to read out to them the opinion held by the majority of the Hindus of my province regarding this question, which will be helpful to others also in forming an opinion about this question. This is from a paper which is the national organ of the non-Brahmin Hindus who form the majority of the population of our province.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions, Muhammadan Rural). What is the name of the paper?

Maulvi Sayad Murtuza Sahib Bahadur. The name of the paper is *Justice* and it has done justice to this subject.

Nawab Sir Sahibzada Abdul Qayyum. But our opposers are Brahmans.

Maulvi Sayad Murtuza Sahib Bahadur. Out of four who have opposed this Resolution, three are Brahmans.

Diwan Bahadur T. Rangachariar. I hope my friend recognises that there is nothing personal to him in it.

Maulvi Sayad Murtuza Sahib Bahadur. I do agree with you there, Sir. *Justice* in its editorial of 18th February said as follows:

‘Although the discussion in the Legislative Assembly on Maulvi Sayad Murtuza’s Resolution asking for the extension of the Montagu-Chelmsford Reforms into the North West Frontier Province has not yet come to an end, we are not without our own fears that the Assembly would eventually be found to have contributed something of its own towards increasing the bitterness of the already embittered relations between the Hindus and the Muslims in this country.’

Our province is free from this charge.

“For example, even a child can foresee that speeches of the type delivered by Pandit Madan Mohan Malaviya can only have the disastrous effect of inflaming Muslim opinion and rendering it all the more suspicious of the *bona fides* of the Hindus. We do not deny, of course, that the Pandit has some ground for his jeremiads and his lugubrious advocacy of what he supposes as the ‘interests’ of the Hindus, but, none the less, we are not prepared to agree with him when he says that, simply because there have been some Hindu-Muslim disputes and disturbances in the past, the Muslims of the Frontier Province should be regarded as *dushmans* for ever and denied any part or lot in the Reforms which their brethren elsewhere in India are in unquestioned enjoyment of. In fact, if the occurrence or non-occurrence of communal squabbles and affairs be the criterion for the non-award or award of political reforms, we’ll say it be the case that the Pandit’s own province—the United Provinces—would not fare any the better as compared with the Frontier Province. For it is well known

that, among the provinces in which Hindu Muslim troubles are almost an every day occurrence the United Provinces are one of the most prominent the Pandit himself will have to admit this when confronted with the statistics of the past few years. It seems to us puerile, therefore, to argue that the Reforms should not be extended to the Frontier Province on the ground that the province is susceptible to inter communal outbreaks now and then. All the same, we must confess to some sympathy with the feeling that the constitution of a separate province on the frontier in the early years of the present century by the then Viceroy, Lord Curzon, was an unwarranted step and that it has led to consequences that have not been altogether happy. But, in so far as the people of the province concerned are, for the most part, averse to linking their fortunes with those of their neighbouring province, the Punjab and also in view of the fact that the latter itself has refused to acquiesce

The Honourable Sir Alexander Muddiman I claim the protection of the Chair. I invite your attention, Sir, to the fact that the Honourable Member is reading long extracts from newspapers.


Mr President The Honourable Member cannot go on reading these long extracts from newspapers. There must be some limit. The Honourable Member will now bring his remarks to a close.

Maulvi Sayad Murtuza Sahib Bahadur I will just say a word or two. It has been proved that the North West Frontier Province people have a real and genuine desire for Reforms. The fact that so many frontier people have come all the way from the different districts of the province goes to show how keen they are on the subject. There is another fact to be added to it. 69 meetings have been held all over the province and resolutions have been moved. At not a single meeting was there anyone found to be against the Resolution. The Hindus and the Sikhs are also united which goes to prove, that so far as the province itself is concerned, there is no animosity as it is depicted to be outside the province by those who are against it. The Raja Sahib and the Leader of the Independent Party have made a passionate appeal to the Honourable the Home Member whose largeheartedness and accommodating tendency are admitted on all hands. I associate myself with them in making the appeal. Will the Jagudars and Khans who have come all the way have to go away disappointed. I hope not. I trust they will get the Reforms.

With these few words, Sir, I commend my Resolution to the acceptance of the House.

Sir Denys Bray Sir, it is very pleasant to hear my Honourable friend, the Mover, again. But I wish we had seen him in his accustomed seat, doing something to fill up that ugly gap opposite. He may have thought that he would have felt lonely there. But he spoke with sincerity and conviction as before, and with sincerity and conviction on his side, he is always in very good company.

Those empty Benches opposite recall to my mind the discomfort—almost discomfiture—in which I spoke earlier in the debate. The Benches were not empty then. But they were silent, silent—to borrow a phrase from my Honourable friend Mr. Bipin Chandra Pal,—silent with a silence more eloquent than eloquence. The oracles were dumb. They are dumb no longer. At the eleventh hour the oracle has spoken. It has delivered itself of an oracular utterance worthy of the most ambiguous oracular utterances of the Delphic oracle itself. Let those who can take comfort from that utterance take comfort!

My own contribution to the debate this evening will be confined almost entirely to a defence of the Frontier and of that man  I have

not known a finer—the man of the Frontier Province. The attack on the Frontier and the frontier man began early. My Honourable friend, Pandit Madan Mohan Malaviya, did not associate himself with the conspiracy of silence. That he faced the issue bravely, that he spoke out boldly what he felt in his heart, we must all admit. And for that, if he will accept it from me let him accept my tribute of admiration. Unfortunately he did not content himself with that. He raked up past history. I am wrong. Had he done that, I should not have referred to the matter now. What he raked up, Sir, were ancient misrepresentations of past history. The impression he left upon the House was that sixteen or seventeen years ago the Muslims of Peshawar, in order, forsooth, to get rid of one British officer and to get back another, made an organised onslaught on the Hindus of Peshawar, looted them of fifty lakhs of property—though some say less—and drove them, sixteen thousand souls—though some say less—into the Punjab, where for a year—though some say less—they remained in exile. And the facts? They were tragic enough. Tragic enough, one would have thought to serve any one's purpose without the added horrors of imagination. The cause of that grim tragedy was the clashing of the Hindu festival of vernal merry making, the *Holi*, with the Muslim festival of mourning, the *Bara Wafat*. There was bloodshed on both sides. Bloodshed was followed by looting, looting by panic, panic by the exodus of many Hindus down-country. The facts were grievous indeed. But the damage done was nothing like 50 lakhs, a committee of Hindus assessed it at 5. Nor did the exodus embrace the whole Hindu population of Peshawar, nothing like it. Nor did those Hindus remain in exile for a year, nothing like it. It was a ghastly riot. But not in Peshawar alone do such riots happen. Not on the Frontier alone are such crimes committed in religion's name. And I say now what, interrupting my Honourable friend, I said then, it is to me deplorable—there is another word that trembles on my lips again—that in raking up ancient history, he should take it up so distorted, ghastly though the truth was. Is it really necessary for me to remind him how easily communal feeling is set ablaze? Small wonder that my Honourable friend Raja Ghazanfar Ali, in an admirable speech, delivered him an admirable rebuke, small wonder too that he provoked from my Honourable friend Mr. Abdul Haye a fierce counterblast, fiercer I think than he would have dreamt of delivering in this House had it not been for the provocation he had received.

I pass on to my Honourable friend Sir Sivaswamy Aiyer. It is refreshing to turn to his speech. Or rather I feel that it *will* be refreshing when I am able to read that speech in the cold light of print. For I was so pelted with facts and figures that my poor storm-beaten ears were hardly able to take in the argument. Like the Pandit he spoke with great conviction and force, like the Pandit, he marshalled many facts and figures, unlike the Pandit he was able to adduce authority for the figures and the facts he quoted—some authority at any rate. Of the use he made of those facts and figures there is I venture to assert much room for—(An Honourable Member: "Difference of opinion.")—I will put it at that, difference of opinion. And in what he said there was much food (let me address myself to Mr. Jinnah) much food for reflection for men like Mr. Jinnah who think that in this issue there is no question at all that everything is so simple, so plain that a decision ought to have been taken months and years ago. But I do feel this of Sir Sivaswamy's speech and I have felt it more than once as I have listened to him on his pet subject the Frontier if only he

would leave his books, if only he would blow out that midnight lamp, if only he would tear himself away from the satisfying prose of Frontier Administration Reports, and go north to the Frontier itself, and stand in Peshawar and feel the keen, invigorating blasts of wind that come down the Khyber or the Malakand, I am sure he would find many of his cobwebs blown away, and that he would review the Frontier and the frontier problems in a very different and much better perspective. Of one thing I am quite sure. He would revise his opinion of the character of that fine man that lives on the frontier.

I turn to Mr Rangachariar, who this morning delivered a very powerful speech, which again I commend to the study of my Honourable friend Mr Jinnah, who finds everything so simple.

Mr M A Jinnah I studied this in the minority report and I also studied the majority report, and I agree with the majority report rather than with the minority report.

Sir Denys Bray I rise almost again with a blush.

Diwan Bahadur T Rangachariar When did Mr Jinnah come to that conclusion may I ask?

Mr. M A Jinnah As soon as I studied it.

Sir Denys Bray I cannot, however, acquit Mr Rangachariar of introducing heat into the discussion. True, he dissociated himself at an early stage in his speech from any feelings whatsoever of a communal character. But methinks he protested too much!

Diwan Bahadur T Rangachariar Certainly not.

Sir Denys Bray If he doubts it, I would point to the angry protests that punctuated that speech. Where did they come from?

Diwan Bahadur T Rangachariar From the conviction of a national issue.

Sir Denys Bray The protests, Sir, came, as far as I could judge, from almost every Muslim in the House. And it seemed to me the greater pity for I feel, and again I turn to Mr Jinnah, that there was a great deal in his speech that not only deserves but commands close attention. Even I, who belonged to the majority, who signed the majority report, have recently had to do a great deal of hard thinking and re-thinking on this problem, and many of its difficulties have been put very admirably by Mr Rangachariar. Unfortunately, he exaggerated. He exaggerated greatly. He treated difficulties as insuperabilities. Out of extracts and fragments he created a Frankenstein monster of a frontier province, a monster of a frontier Pathan.

Mr K Ahmed It is monstrous. (Laughter.)

Sir Denys Bray Here and there it amused me to listen to him. It amused me to listen to the awe with which he quoted the report of some district officer on the Frontier saying that, in his opinion, the Frontier was not quite ripe for Reforms. Does he listen with the same feeling of sacrosanctity to the opinion of the district officers of Tanjore? Does he listen with awe when the District Collector reports that, in his opinion, Madras is

not quite fit yet for that full autonomous provincial government which my Honourable friend has so dearly at heart?

Diwan Bahadur T. Rangachariar We have not a land frontier of 700 miles with fanatic tribes

Sir Denys Bray I thank my Honourable friend. He has, though he forgets it, a frontier in Madras infinitely more vulnerable than the land frontier of the North West Frontier Province. And what enables him to forget it? The British Navy. In all India there is no frontier more vulnerable—were it not for the British Navy.

Diwan Bahadur T. Rangachariar I do not deny that

Sir Denys Bray He forgets it, Sir, he forgets it, and I will prove it to him. He says how can this Frontier Province have its own Reforms? How can this deficit province that cannot pay its way

Diwan Bahadur T. Rangachariar: Isolated frontier

Sir Denys Bray. Who pays the mighty bill for the protection of the frontiers of Madras?

Maulvi Muhammad Yakub The Navy

Sir Denys Bray Is the British Navy to dictate what form the Reforms in Madras shall take?

Diwan Bahadur T. Rangachariar Does the Madras Council pass the Navy's Budget?

Sir Denys Bray I say again that the Honourable Member has forgotten his own frontiers. And it is not only the British Navy, but also the North West Frontier that enables him to forget these vital factors in India's problem.

Mr. M. A. Jinnah And to argue his cases in the High Court!

An Honourable Member Who sank the *Emden*?

Sir Denys Bray I will just turn in passing to one very notable example of the use—may I say the misuse?—he made of his extracts and fragments from his records. He made great play with the evidence produced before us by Mr Gul Khan. Now I know Mr Gul Khan well. Twenty or twenty-five years ago I knew him as a youth of great promise. He wrecked his life by what I will charitably call a lapse of an unbalanced mind. During the War he got his opportunity to make good again. Of the use he made of that opportunity I will say nothing. I will only say this in order to make use of the opportunity offered him: he had to come back from refuge into British India. And to treat the wild outpourings of a man like that—outpourings made under the goad of very skilful cross-examination—to treat such outpourings as representative of the feelings of the great Pathan nation is as wrong as to treat the inflammatory and libellous vituperations of certain Hindus of Dera Ismail Khan in those resolutions and telegrams which have reached us all, as characteristic of that very fine body of men, the old Hindu families of the Frontier.

Diwan Bahadur T. Rangachariar: I hope you are right

Sir Denys Bray I know I am right

Diwan Bahadur T Rangachariar I have not got that knowledge

Sir Denys Bray I will pass by his remarks on the financial difficulties

Diwan Bahadur T Rangachariar Why?

Sir Denys Bray Because, Sir, I am modest I am ill qualified to deal with these high financial matters But I make bold to believe that if he will go and study the case with our financial advisers, he will find that a much more searching analysis than he gave them is needed before you can separate the figures of the North West Frontier Budget into those which relate purely to provincial matters and those that are of Imperial concern

Diwan Bahadur T Rangachariar I have done my best

Sir Denys Bray I agree, but his best is not quite good enough

Diwan Bahadur T Rangachariar I do not claim infallibility

Sir Denys Bray But when he proceeds to argue, as he seemed to me to argue, that the financial difficulties become quite insuperable, then I for one take my stand for once with Mr Jinnah I do wish, and I would like to say it again to both my Honourable friends from Madras, I do wish that they would view this and all other aspects of the frontier problem through spectacles other than those of Madras

Diwan Bahadur T Rangachariar We cannot help it, we were born in Madras

Sir Denys Bray There is every excuse for Sir Sivaswamy Aiyer He has not been to the Frontier But there is no such excuse for my friend Mr Rangachariar who has I wish he would not content himself with that flying visit of ours Let him go again Let him go there every time he comes as far north as Delhi

Diwan Bahadur T. Rangachariar Provided you escort me

Sir Denys Bray I guarantee it will drive away from his mind some of those fumes which seem to possess him, the fumes of the intoxication of large numbers He compared the population of the Frontier with the population of his own district in Madras As if the two were in any degree comparable Let him go again to the Frontier, and he will see there a people homogeneous in a sense in which as far as I know, no people in any province of India is homogeneous

Diwan Bahadur T Rangachariar I do not deny that

Sir Denys Bray A people that counts, a people that includes no one that does not count,—no submerged tenths, no untouchables Let him go to the Frontier and learn a lesson—a Frontier free from untouchability, that most awful example of man's inhumanity to man, that negation that negation of all that is best in democracy (Applause) He will find none of it there On the frontier every man counts Every man is called upon there to do a very stern duty

Mr K Ahmed Do they paint their foreheads there?

Sir Denys Bray I will pass by much of value in the Honourable Member's speech, commending it again to my Honourable friend Mr Jinnah whose study of the problem is still incomplete I will mention

one thing only, one argument, one underlying argument only in his speech which jarred on me. He harped again and again on the affinities in race and religion of our fellow-subjects in the districts with our fellow-Indians in the frontier tracts.

Diwan Bahadur T. Rangachariar: Indians?

Sir Denys Bray: *Indians* in the frontier tracts and with the citizens of our friendly frontier neighbour Afghanistan. And the conclusion he drew from these affinities is an awful warning against including the Frontier Province within the ordinary purview of Reforms—I had almost said of British India. A devastating argument! Possibly an argument that frightens a Foreign Secretary more than anybody else.

Diwan Bahadur T. Rangachariar: I hope so.

Sir Denys Bray: Does my Honourable friend really mean to carry that argument to its logical conclusion? Are the Hindus in districts that abut on an independent Hindu kingdom, are Buddhists in districts that abut upon an independent Buddhist kingdom, are men of Mongolian race that abut upon a Mongolian kingdom, to be outcasted from the Reforms? The thing, Sir, is ludicrous. The argument is not only devastating, it is—I cannot find the word!

Diwan Bahadur T. Rangachariar: I did not say that no Reforms should be given at all. I say "Let them have the Reforms with us and not as an isolated bit of India."

Sir Denys Bray: And what is my Honourable friend's constructive contribution to this debate? What indeed! Except the old outworn cry of amalgamation with the Punjab? Again I am wrong. Even that is not his constructive contribution else he would have introduced his amendment for judicial amalgamation at the very least, which is down on the paper but over which he has thought fit to keep silent!

Mr. President: The original Resolution was

"That this Assembly recommends to the Governor General in Council that he be pleased to extend to the North West Frontier Province the provisions of the Government of India Act which relate to Legislative Councils and the appointment of Ministers, etc., with protection to the minorities."

Since which the following two amendments have been moved

"That for the original Resolution the following be substituted

'This Assembly recommends to the Governor General in Council that he be pleased to arrange to amalgamate the settled districts of the North West Frontier Province with the Punjab in order to secure for the people of these districts the benefit of the Reforms.'"

and

"That for the words 'extend to the North West Frontier Province the provisions of the Government of India Act which relate to Legislative Councils and the appointment of Ministers' the following be substituted

'introduce in the North West Frontier Province an unitary and autonomous responsible Government with full protection for minorities, subject to the general control and residuary powers of the Central Government in inter-provincial and all India matters.'"

The question is that the original Resolution be adopted

The motion was adopted

3rd February, 1926

RESOLUTION RE ENHANCEMENT OF THE SALARIES OF THE TWO MEMBERS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL POSSESSING INDIAN EXPERIENCE

The Honourable Sir Alexander Muddiman (Home Member) Sir, I beg to move the following Resolution

"That this Assembly recommends to the Governor General in Council to take steps to secure

- (1) in the case of future appointments the enhancement of the salaries paid to the two members of His Majesty's Privy Council with Indian experience who sit on the Judicial Committee under the provisions of the Judicial Committee Act of 1833 to hear Indian appeals,
- (2) that they shall be persons possessed of recent knowledge of Indian law and practice,
- (3) that their salary shall be £4,000 per annum each, half of which shall be paid from Indian revenues, and
- (4) that during any period when the salary is enjoyed, any pension payable to either of them from Indian revenues shall lapse "

Sir, it is a particular pleasure to me that the opportunity of moving this Resolution has occurred within the period of my term of office. Looking back over the old papers I see I have been concerned in this matter for something like twelve or fourteen years. The matter has been delayed, as much needed improvements so often are, partially by the war and partially by circumstances not arising where favourable hearing was likely to be obtained. Of course the difficulties of obtaining the necessary approval in all quarters, as also, as must appear to you from the terms of my Resolution, from Parliament itself must be obvious. To obtain those concurrent factors at any one time must be always a matter of great difficulty. Therefore it is with great satisfaction that I feel that a time has arrived when this scheme can usefully and opportunely be brought forward for the consideration of this House.

I will not weary the House with a long dissertation on the historical origin, the interesting history of the jurisdiction of the King in Council. To many Members it is probably far better known than it is to me. But to some of the Honourable Members it will be interesting to recall very briefly how that jurisdiction has grown in so far as it affects India and what it actually means. I think some of you certainly have attended meetings of the Judicial Committee and must have been impressed by the sight of the four gentlemen without robes or any paraphernalia sitting in a room in Whitehall deciding questions which come from every part of the Empire. In that room there may be mooted questions of Roman Dutch law, very complicated questions emanating from this country, possibly the rights of a Hindu deity, and questions that have arisen under the complicated Canadian constitution. Indeed you may in that small room obtain a very far survey of our widespread Empire. I think possibly when our Empire ends—as all human Empires must end—(An Honourable Member "Hear, hear") at any rate I am glad to think that it is in the hands of a higher power even than this House to decide the fate of Empires—I think when the Divine Providence decides that the end should take place we shall leave an eternal mark in the history of mankind, which is only equalled by that left by another great Empire, the Roman Empire. As the Praetor still speaks to the

civilization of half the world, so when Lord Chancellors have passed for ever the rules of English equity will speak to the other half, and the English law will still afford its guidance to civilised men if there is any civilisation still left in the world

It is interesting to recall that the very earliest Charter which established courts in this country of ours established the right of appeal to the Privy Council. The first Charter of 1726 established a Mayor's court and gave a right of appeal to the Privy Council. Again this right of appeal was continued by the Charter of fifty-three. When the Supreme Court was constituted the appeal was still provided for. When the Sadar Diwani Adalat was constituted both in Calcutta and Bombay the right of appeal was continued. The year 1838 is an important date in the history of the Privy Council. It was the first time then that the permanent exercise of the judicial powers of the King in Council were provided for, and throughout the legislation that has given us our own Civil Procedure Code we have continued the provisions dealing with the regulation of appeals to the Privy Council right down in fact to our last Act in 1908. The appeal therefore of the Charter of 1726 is the direct ancestor of the existing law. I have very briefly referred to these facts to show the long time that has united litigation in India with that secluded room in Whitehall.

Now I again ask the indulgence of the House if I bring to its notice what is already known to many Members, the actual present constitution of the Judicial Committee. I think it is of importance, though it may take a few minutes. I am quoting from the Law List of 1925 where the facts are given exceedingly concisely and in a personal form which is not without its advantages. "The Judicial Committee of the Privy Council consists of the Lord Chancellor, Lord President, ex-Lords President, six Lords of Appeal in Ordinary" and then the names are given, "and such other members of the Privy Council as shall from time to time hold or have held 'High Judicial Office' within the meaning of the Appellate Jurisdiction Acts, 1876 and 1887." Among the last are included the Earl of Birkenhead, Viscount Haldane, Viscount Finlay, Lord Buckmaster, Lord Wienbury, Lord Phillimore, Lord Trevethin, Lord Darling and Lord Salvesen. (Those names I think to lawyers at any rate, must excite respect and admiration.) Lord Parmoor is a member by virtue of section 1 of the Act, and Sir John Edge and Sued Amir Ali are members by virtue of section 30 of the Judicial Committee Act, 1888.

By virtue of the Judicial Committee Amendment Act and another amendment Act, the following Judges of the Dominions beyond the seas are members:

Sir Charles Fitzpatrick (Canada),
 Sir James Rose Innes (South Africa—Supreme Court),
 Sir Lawrence Jenkins (Bengal),
 Mr Justice Duff (Canada—Supreme Court),
 Sir Adrian Knox (Australia—High Court),
 Sir Robert Stout (New Zealand) and
 Chief Justice Anglin (Canada—Supreme Court)

I have read the extract to draw your attention to the constitution of a Court which, I think the House will admit contains a wealth of judicial talent and knowledge unrivalled in the Empire and possibly in the world. Now the most important part of the story from the point of view of India is the representation of India on that Judicial Committee. You will have

observed that there are three Judges of Indian experience on the Judicial Committee. Two of them sit under section 30 of the Judicial Committee's Act of 1833, and I think I must really take up the time of the House for a short moment by reading that section, because it makes the position of these judges so clear. Section 30 runs as follows:

"Two Members of His Majesty's Privy Council who shall have held the Office of Judges in the East Indies or any of His Majesty's Dominions beyond the Seas, and who, being appointed for that purpose by His Majesty, shall attend the Sittings of the Judicial Committee of the Privy Council, shall severally be entitled to receive, over and above any Annuity granted to them in respect of having held such Office as aforesaid, the Sum of Four hundred Pounds for every Year during which they shall so attend as aforesaid, as an Indemnity for the Expense which they may thereby incur, and such Sum of Four hundred Pounds shall be chargeable upon and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

That is to say that the Indian representatives who are at present on the Judicial Committee, in so far as they are salaried representatives, are paid the sum of four hundred pounds a year, rather less than the salary of a Sub-Judge. It is true it is said to be paid as an indemnity. I agree it could not be regarded as anything but an indemnity. The third member who sits, Sir Lawrence Jenkins, so far as I am aware, receives no salary. The present salaried members of the Committee are Sir John Edge and Mr. Amir Ali. These eminent Judges have been discharging their functions on this, in my judgment, very inadequate indemnity for many years, and the thanks of the Government and all of us are due to men who, at a very advanced age, continue to discharge duties of a public nature when most of us would be glad to retire to peace and repose. I make that clear because it is essential that, in considering the future, we should not forget the services that have been rendered in the past. The Government of India, as I said, have had this question of new arrangements in the Privy Council under their consideration for many years. In that connection it gives me great satisfaction to think that this proposal that I am now bringing forward would certainly have had the support of my old master and my present friend, Sir George Lowndes. There was a time when the Indian Legislature was much concerned as to the possibility of establishing a Supreme Court for appeals for India. That was debated at length and there was a good deal of opinion in favour of it, but this House, as every one knows, pronounced a very decisive judgment on that question on the 17th February 1925, when, by a very large majority, they rejected the proposal. A majority of 56 to 15.

Mr M A Jinnah (Bombay City Muhammadan Urban) With the support of the Government

The Honourable Sir Alexander Muddiman Certainly with the support of the Government, but not against the sense of the House. That, therefore, may be regarded as no longer a live issue. I think, before I go further, I ought to give the House some information as to the amount of Indian work which is done in the Privy Council for India as compared with the other work. I am quoting now from information which has been extracted from that given to the Imperial Conference by the Lord Chancellor and Sir Robert Borden in 1918:

The days for hearing in the Committee in 1916, were given as follows

Indian appeals	107 days
Other appeals excluding Prize Courts	63 "
House of Lords appeals	112 "

That is to say Indian appeals occupied 36 per cent of the days for hearing in both Courts and 63 per cent in the Judicial Committee. The number of appeals before the Judicial Committee from 1911 to 1917, excluding the Prize Court appeals, were, Indian appeals, 514, other appeals, 365. That is to say 59 per cent or more than half the appeals before the Judicial Committee were Indian appeals. Now those are very striking figures indeed, and I hope the House will weigh them carefully. I ought perhaps to explain that I am bringing this Resolution before the House with the object of obtaining the opinion of the House upon it, and I am bringing it at this particular moment because we have reason to believe that if it is approved in this House and in another place, it may be possible that Parliamentary legislation might be introduced comparatively rapidly to give effect to this Resolution. Of course, as I stated, or rather indicated in the commencement of my speech, you have in a matter of this kind to strike when the iron is hot, when you have got people who are in a position to put forward your legislation in a place where it is necessary at the time to do so, and to have your own Legislature in agreement with you. It seems to me that the House here really has an opportunity which, if taken, might result in very great benefit to the disposal of the judicial business of India. The first part of my Resolution refers to the enhancement of the salaries. You may dislike or you may not dislike, you may approve or you may not approve, you may want a Supreme Court or you may not want a Supreme Court, but I think you will all agree that to give £400 a year and to expect Judges of recent experience and of the highest eminence to sit is outside practical politics. Therefore, I do not think I need say anything on part (1).

Part (2) suggests that the Judges appointed should be persons with recent knowledge of Indian law and practice. Now, I should think that most of us would feel that that was a very important factor in making appointments. For one thing men fresh from the courts are in a better position to appreciate any changes that may have been made in the law in recent times. They are in touch with the rules of practice, and, speaking generally, would be the best fitted to discharge the very difficult duties that fall to the Supreme Court of Appeal.

Our ideas—I do not wish to develop them more than that—our ideas were not only should persons who have held judicial office in India be available as a recruiting ground but also that men of a high standing at the Indian Bar would not be excluded. Indeed if we did not take that view we might otherwise be deprived of the chance of considering men of very great eminence. On the other hand, that has an important bearing on the salary because members of the Indian Bar in distinguished practice, in leading practice—so I am told and from observation I have reason to believe that to be true—are in receipt of princely salaries, the figures of which to me have really very little meaning so large are they.

Now, there is an amendment on the paper which I hope very much will not be moved that in this Resolution which I presume the Honourable Member in whose name the amendment stands otherwise approves—that in this Resolution a racial discrimination should be introduced. Now, Sir, I beg of the House not to do that for this reason. These are appointments of the very highest judicial importance. They are important appointments which will be made by the Crown. I can naturally sympathise with the view that this House would desire an Indian to occupy a position of that kind, but I am perfectly sure that this House would not desire an Indian

who was not fit for that position to occupy that position. To take such a view would be I think really to lower this country in the estimation of the world, which I am sure is the last thing you want to do. We should be sending those men to sit not only with the best brains of England, with great lawyers whose names are already famous, but with the greatest lawyers from the Colonies, and India, I think you will agree, should send to sit with them of its best, where you can get them and when you can get them, but of its best. (*An Honourable Member* "What about the Executive of the Government of India?")

I was going to mention one other point but perhaps it is hardly worth mentioning. If I thought that my appeal would not be listened to I should have developed it, but it is a matter of material importance that such considerations should not be quite outside the minds of the House. It is this. The Indianisation of the judicial services is proceeding fast and the Indian Bar has become entirely—I think I may say almost entirely—Indian. When I came to this country there were—there are still no doubt a few—there were a large number of Englishmen who practised at the Bar in India and attained high fame and one was led to believe the respect of those who now maintain the high traditions of the men whose pupils they were.

Mr K Ahmed (Rajshahi Division, Muhammadan Rural) Indians are advancing now.

The Honourable Sir Alexander Muddiman Then, Sir, the next proposal is that their salary should be £4,000 a year, half of which should be paid from Indian revenues. Now, at present India is getting the services of the Privy Council entirely as regards judicial salaries at the expense of the English Government. The great advantage and I believe one of the most important advantages of the Privy Council why people like an appeal there is that they do get some of the greatest Judges of England to sit. They usually sit at least two though sometimes there has been only one, and I think most of us feel we would like there should always be two men of English reputation sitting with our two representatives on the Court.

Mr A Rangaswami Iyengar (Tanjore *cum* Trichinopoly, Non-Muhammadan Rural) May I know what the position is with regard to the Colonial Judges?

Sir Hari Singh Gour (Central Provinces, Hindi Divisions, Non-Muhammadan) South Africa, Canada and Australia have got courts of their own.

The Honourable Sir Alexander Muddiman The Colonial Judges are in the same position as Sir Lawrence Jenkins. They are appointed under the Amending Act and they receive no pay as neither does Sir Lawrence Jenkins who also of course comes under that Act.

Mr A Rangaswami Iyengar I mean I want to know whether the Colonial Governments pay anything.

The Honourable Sir Alexander Muddiman I have told the Honourable Member that they do not pay anything. Of course they do not sit with anything like the frequency that the Indian Judges do, because fifty per cent, more than half, of the appeals come from India alone. In many cases I do not suppose there is a single appeal from any of these Courts.

Mr M A Jinnah Then why not have a Supreme Court here?

The Honourable Sir Alexander Muddiman I will meet my Honourable friend's point later when I have an opportunity of replying I should like to take his point now but perhaps he will permit me to proceed in the order in which I was doing I was on the point of salary It is a matter for this House to consider whether it is prepared to provide the money for this salary If it is not then the question is at an end On the other hand, if you do provide it, I do not think it can be said it is too high, for this reason We contemplate the possibility, I certainly contemplate the possibility, of men going to England for a comparatively short time There would be either an age limit or a time limit of some kind They would go to England for a comparatively short time and then return to India to spend the evening of their days here, and I think you would find it very difficult to get men who would first of all *ex hypothesi* give up either a leading practice or a high judicial office to establish themselves in a country with which they may or may not be familiar and incur those expenses which are, as we all know, unfortunately incidental to a stranger in any country, unless you pay them a reasonable salary There may be doubts as to the amount of the salary, but I put it to the House that on the understanding that you are going to get a first class man, you will not get him much under that It should also be noticed that at the end of the operative part of the fourth clause of my Resolution is the usual sting that so often lurks in Government statements as to pay That is to say, the unfortunate person who enjoys a pension is to forfeit that pension during the period he is re-employed That, Sir, of course makes it somewhat more favourable to my Honourable friends from the Bar and distinctly less favourable to Judges who have retired

Now really this to my mind is a golden opportunity The House has a chance of getting what I do not think anybody really can believe is not an improvement on the existing position I think on the whole the Home Government are giving us generous treatment Under my Resolution half the salary would obviously have to be met from revenues other than those of India and the only revenues available would be the consolidated funds of the United Kingdom I doubt if you could ever hope to get a court better constituted from our point of view than the court which would then exist in England The House will no doubt pronounce its verdict as to that I see there is an amendment on the paper by an Honourable gentleman who was connected with a previous Resolution regarding a Supreme Court for India, and I presume he would approve of the proposition if the Judges sat in India Well, it is not probable that either the Lord Chancellor or any other of the eminent English Judges, who sit on the Privy Council or even those Judges who have ceased their connection with it would come out to India even for the pleasure of hearing my Honourable friend argue before them

Mr T. C. Goswami (Calcutta Suburbs Non-Muhammadan Urban) Who ever wants them to come out here?

Mr R. K. Shanmukham Chetty (Salem and Coimbatore cum North Arcot Non-Muhammadan Rural) May I know from the Honourable Member whether this proposal emanates from the British Government?

The Honourable Sir Alexander Muddiman I will answer the Honourable Member's question in a second I would prefer him not to disturb the course of my argument There is at least the possibility that if this Resolution is not accepted we shall never get so good a chance again I believe myself that is certain My Honourable friend asks where this proposal

originated It originated originally in the Government of India and as I said myself—perhaps the Honourable Member has forgotten, I have been speaking for so long—I stated myself that it was under consideration nearly 10 years ago It was then powerfully supported by Sir George Lowndes One of the things that His Excellency was able to effect during his visit to England was a discussion with the highest authorities regarding this very important question That is the history, I may perfectly frankly state, of these proposals

Now, before I sit down, I should like to refer to one other aspect of the case It is this I hope the House will accept this proposal in a generous way because—as a mere matter of expediency, it is still an important point for those who like myself are anxious to see this go through,—the debates in this House and elsewhere will be carefully scrutinised We have to get Parliamentary Legislation enacted, and you know that Parliaments, like other people, are difficult, when they have to put their hands into their pockets I think it would be a great pity to arouse undue opposition by adopting an attitude which would operate against what might be the real wishes

Now, I have endeavoured to put the case as fairly and as clearly as I can to the House, and I hope and trust they will give it their earnest consideration This is not a matter of politics, this is not a matter that can arouse, I should have thought, any of those passions that are so easily aroused It has, in my judgment, a chance of effecting a real and enduring benefit to the litigant public in this country and I do hope the House, will warmly support this Resolution

Sir Hari Singh Gour Sir, as a protagonist of a similar Resolution for the establishment of a Supreme Court in this country, I feel it my duty to say a few words on the Honourable the Home Member's Resolution He says he has read all the literature on the subject I have no doubt

The Honourable Sir Alexander Muddiman I never said anything of the sort

Sir Hari Singh Gour I am glad, Sir, he has not done so, because if he had done so, this Resolution would not have been brought up before this House at all In the first Assembly I was the humble author of a Resolution asking this House to take steps to establish an ultimate Court of Appeal in this country I then traced the origin and history of His Majesty's Privy Council, and I gave my authority in support of my view That statement was not contradicted by the then Law Member, Dr Sir Tej Bahadur Sapru, and he promised to consult public opinion on the advisability of establishing an ultimate Court of Appeal in this country Opinions were collected and, as the Honourable the Home Member has pointed out to this House, there is a good deal of opinion in favour of the establishment of a Supreme Court in this country The present Governor of Burma

Mr President The Honourable Member must understand that we are not discussing the question of the establishment of a Supreme Court in India

Sir Hari Singh Gour These are the reasons why I am opposing this Resolution I am giving the reasons

Mr President The Chair notices that the Honourable Member has got an amendment for the establishment of a Supreme Court in India, and it

appears to the Chair that the Honourable Member is arguing to make out a case for the establishment of a Supreme Court of Appeal in India which is not the question before the House. The Honourable Member will remember that last year he raised that question, and he is now trying to raise the very same question again within one year, and the Chair cannot permit it.

Sir Hari Singh Gour: I am moving my amendment, Sir, and that is, that whatever be the constitution of the Judicial Committee of the Privy Council it should hold its Court in India, and I am trying to show that.

Mr. President: What is the Honourable Member's amendment?

Sir Hari Singh Gour: That at the end of the Resolution, the following be added:

"(5) That the judicial work of His Majesty's Privy Council is done in India."

Mr. President: It is substantially the same as the Resolution moved by the Honourable Member in this House last year.

Sir Hari Singh Gour: No, Sir. The last Resolution was for the establishment of a Supreme Court here, and this is for the doing of that work here. It is quite different.

Mr. President: The Honourable Member is very ingenious, but the Chair will not allow him to discuss substantially the same question once again.

Sir Hari Singh Gour: Very well, I will not raise that question, I will oppose the Resolution, and in the circumstances I need not do anything more for the present than to oppose the Resolution as it stands. In doing so I wish first to traverse the facts upon which the Honourable the Home Member has appealed to this House. I wish to point out to this House that the Judicial Committee of the Privy Council is not a Court, it is a purely advisory body which advises the King and the decrees are made out by the King and in his name, and any person who has studied the English constitution will bear me out when I say that this Court was established because there was not a regularly constituted Court, and as justice had to be done in the newly acquired Dominions of His Majesty, this Court *ad hoc* or this advisory body was called upon to advise His Majesty, and upon the advice given by the Judicial Committee of the Privy Council His Majesty acted. But in all the major Colonies such as Canada, South Africa, and Australia, they have established independent Supreme Courts of their own. The Supreme Courts now do work which was done before by the Privy Council whose jurisdiction is practically superseded, though in one or two colonies the litigant is given the option of either appealing to His Majesty's Privy Council or to the local Courts. Lord Bryce in his famous book on the democracies of the world,—a book which records his actual experience,—mentions that these Courts have completely done away in practice with the jurisdiction of the Privy Council, that they are giving great satisfaction and the administration of justice in these Colonies by the local Supreme Court is receiving popular confidence. Now, Sir, I wish to ask why a similar step is not taken in this country. In the opening speech of His Excellency the Viceroy published at page 9 of the official Reports, I find that it is stated that in order to perpetuate the benefits of this scheme, it is desired in future appointments to secure persons from India of eminent

qualifications The object is to perpetuate the present system of appeal in the Privy Council, being heard and determined in England, and, if this House supports the motion moved by the Honourable the Home Member, let the House remember that it stands committed to the perpetuation of a system for the maintenance of the Privy Council for all time in England Is the House prepared to do that? That is a short question I submit, Sir, that in the fulness of time—and I hope in the near future—it will be necessary to establish a Supreme Court in this country Only yesterday the Honourable the Home Member referred to a brochure written by the late President of this Assembly, Sir Frederick Whyte In one of the paragraphs he points out the necessity of having a Supreme Court in this country What country having a federal constitution can do without a Supreme Court? The Supreme Court, I submit, is the interpreter and upholder of the written constitution of the land Difficulties arise every day Is this a transferred subject or is it a reserved subject? Is it an Imperial subject or is it a Provincial subject? Is it a Provincial reserved or a Provincial transferred subject? Conflicts between the Legislature and the Executive arise every day We want, Sir, an independent tribunal to deal with these constitutional questions I, therefore, submit that, if you are to perpetuate the system of the Privy Council, you will by your vote be depriving yourself for all time to come, of the possibility of the establishment of a court of your own

Sir, I have not dealt with one very important question to which I referred and in which I am strongly supported by the provinces, that it is an anomaly that this is the only country in the British Empire where there is really no appeal against the final verdict of a sentence of death Honourable Members are aware that persons tried for murder are usually tried by the Sessions Court and the Sessions Court

The Honourable Sir Alexander Muddiman I do not want to interrupt the Honourable Member but I wish to point out that I am not asking the House to do anything with the jurisdiction of the Privy Council I am only asking them to do something with the personnel of the Privy Council

Sir Hari Singh Gour I am simply pointing out that this House should throw out this Resolution on the ground that the Privy Council is not the Privy Council that you want Let it continue if the Honourable Member desires it to continue, but we are not going to contribute to its funds and I am giving my reasons

To resume This is the only country, Sir, where, when a man is convicted for murder and sentenced to death, and the sentence is confirmed by the High Court, there is no right of appeal The Honourable the Home Member is aware that within the last few years in England a Court has been established known as the Court of Criminal Appeals, and that Court is given power to revise all sentences passed by the regularly constituted tribunals I do not wish to give the reason for this strange anomaly in this country, but I only wish to point out that we are not satisfied with the present jurisdiction of the Privy Council The Privy Council have time and again enunciated the principle that they are not a court of appeal or a court of criminal revision and have refused to exercise jurisdiction even in cases which fall within the very narrow principle which they enunciated in what is known as the Dillet's case Further, Sir, I submit that as far as the present Privy Council is concerned, their Lordships have made and

again said that because they have to try cases in London, they are precluded from making local inspections in cases of right of way, of easements, of assessment of mesne profits and other profits. Where local inspection is necessary they say they are unable to do so. In cases of Hindu law and Muhammadan law and indeed in cases of all personal laws, their Lordships have often confessed the difficulty of administering justice in conformity with those laws. I, therefore, submit that a court situated six thousand miles away does not satisfy the growing aspirations of the people of this country and if we were to approve of this Resolution, we shall be perpetuating a system which we know to be deficient and which we want to replace by a better and more efficient system. The Honourable the Home Member was right in saying "Let us strike while the iron is hot." I know the genesis of this Resolution. In fact, I had a shrewd suspicion of what must have been the genesis of this Resolution. The unfortunate fate which my Resolution suffered at the hands of this Assembly seems to have encouraged the Government into a belief that this House was enamoured of the present constitution and powers of the Privy Council. Let this House by its verdict to-day show that it never intended anything of the kind. If this House supports the Resolution of the Honourable the Home Member it will lend itself to the view, stated by His Excellency in his opening speech, that he has been greatly impressed with the very high regard and esteem in which the Judicial Committee of His Majesty's Privy Council are universally held in this country in connection with their Indian appellate work. Sir, I do not wish for a single moment to minimise the importance and the value of the work done by their Lordships of the Privy Council. I am not here decrying the Privy Council. But I am asking the House to take long views and not to commit itself to a proposition which will embarrass it in future as the fate of my Resolution may embarrass it at the present moment. They have committed one mistake—let them not commit another. Let Members of this House consider what will be the result of lending their support to the Resolution of the Honourable the Home Member and let them then vote accordingly. Sir, I oppose the Resolution.

Diwan Bahadur T. Rangachariar (Madras City Non-Muhammadas Urban). Sir, I am not at one with my Honourable friend Sir Hari Singh Gour in this matter. I have to pay my tribute to that great and august tribunal which is the final court of appeal in deciding Indian issues. Sir, with the experience we have had, and I have had, in the profession, I cannot but pay that tribute. Although some times we have reason to be dissatisfied with the advice tendered to His Majesty by the Judicial Committee of the Privy Council, on the whole the Judicial Committee all these years have done signal service to this country in the matter of judicial work. Sir, I appreciate and welcome the proposal contained in the Honourable the Home Member's Resolution. The Honourable the Home Member's Resolution aims really at one thing, namely how best to secure the Indian element in the Privy Council, whether we should not take steps to facilitate the getting of competent men of experience of the judicial system of this country to sit on the Judicial Committee of the Privy Council. As Honourable Members are aware, by the Act of 1908 provision was made that any person having been a Chief Justice or Judge of any High Court in British India or of the High Courts of Bengal, Madras, Bombay or the North-West Provinces (the United Provinces as it is now) is a member of the Privy Council and he may be appointed a

member of the Judicial Committee and not more than two persons shall be members of the Committee at one time by virtue of this section. It is under that provision that the two learned gentlemen, Sir John Edge and Mr Amir Ali now sit on the Privy Council.

Mr H Tonkinson (Home Department Nominated Official) I think my Honourable friend is mistaken. It is not under that provision that they sit there. They sit under section 30.

Diwan Bahadur T Rangachariar They are receiving a very inadequate remuneration, I do not think you can call it remuneration at all. The work they have to do is very responsible and onerous work and they have to sit there for several days in the year and hear complicated questions of law and fact, so that I welcome the proposal to increase the remuneration of these Judges. But on the question of amount I have suggested a figure, not that I would stick to it if the Honourable the Home Member thinks that £4,000 is really needed. My own view is that to men who have attained the position to be able to sit in the Privy Council it is more an honour to be called to advise His Majesty in these matters of appeals and therefore the question of remuneration should only be such as to enable them to live comfortably in London. My estimate of it is £3,000 per annum, but I do not know what figures the Honourable the Home Member has in order to support his figure of £4,000. I am not very particular about the figure, whether it is £3,000 or £4,000, but Honourable Members will have noticed in my amendment two matters of substance. I am sorry that my Honourable friend thinks that my amendment raises a racial issue at all. Far from that. The Privy Council is composed of eminent English Judges who have had considerable knowledge and experience of the work of the Courts in their own country, and these two gentlemen who have to assist in the hearing of the Indian appeals are intended to afford that assistance from the point of view of India, Indian knowledge, Indian experience, knowledge of Indian customs, knowledge of the people of the country, knowledge of the laws administered in this country and knowledge of the practice. That being so whatever may have been the state of affairs years ago I do not think that any one will be bold enough to assert that you cannot find two Indians all over India to be sent to the Privy Council. My Honourable friend contemplates recruitment from retired Judges and also from prominent persons practising at the Bar. As he has himself admitted, the Bar in most places has been Indianised and the persons whom he mentioned as making fabulous incomes, incomes which he cannot dream of,—those persons are mostly now Indian, and therefore, I quite agree that you must send your best men from India but to suggest that in selecting two people for the Judicial Committee you will not be choosing the best men by confining the choice to Indians.

The Honourable Sir Alexander Muddiman I did not say that. What I said was that you may not necessarily get the best.

Diwan Bahadur T Rangachariar I think the best, with due respect, can be had from amongst the Indians in the legal world. I yield to none in my respect for my English friends at the Bar, but at the same time what is meant by the best? The best for the job. And what is the job they are going to be asked to do? To sit in the Privy Council and hear Indian appeals and assist the other learned Judges of the Privy Council with their knowledge of the customs, habits, law and practice of this country.

For that purpose I consider that Indians are the best fitted for the job and therefore I am not in any way influenced by my Honourable friend's remark. It is not raising a racial issue at all, it has nothing whatever to do with the racial element. My view is you can get the best advice on Indian matters, Indian customs, Indian manners, and Indian law and procedure from Indians more than from English Judges who have been in this country. Therefore, I have introduced the word "Indians" in clause 2.

The other matter of substance by which I seek to improve this Resolution is this question that half the salary shall be paid from the Indian revenues. That the mighty British Government should enter into a pecuniary discussion in a matter of this kind seems to me most absurd. Here is the golden link which binds the Empire, this Judicial Committee of the Privy Council as has often been remarked. It is His Majesty's Privy Council, appeals really lie to His Majesty. His subjects petition His Majesty against the injustice done to them by the courts in his lands and when they come and lodge those petitions, when Indian subjects go to His Majesty complaining of the injustice and wrong done to them by his courts in this land, it is extraordinary that England should say, "Very well we are not paying an adequate salary to the people whom we want to man the Privy Council with." And what is it that the Government propose to pay? Half. Why not two thirds, why not one third, why not the whole? What is the object of this half? Is it that England is so poor that she cannot pay this £4,000 out of the millions of pounds that she spends on other objects? I am ashamed that I should be speaking on the floor of this House about this. I do not think that any Member of the British Parliament could be so lost to his sense of dignity which attaches to this Empire that he is going to bargain with India, "Please pay the half of £4,000." You are receiving benefits in other ways. If England is to go and count it in the shape of rupees, annas and pies or pounds, shillings and pence, you are receiving it in a hundred and one ways if not a thousand and one ways—the material benefits you are enjoying and you have been enjoying for so long. Now all these years the Privy Council has gone on and you have been paying £400 each to these learned gentlemen who now adorn the Judicial Committee. And if you think that their remuneration is not adequate, it is His Majesty's Court. These are the advisers of His Majesty and why should not His Majesty's subjects in England pay for them. It is a bad precedent—not that this £4,000 is too much for our country, but England ought to pay for them. It is part of her business to keep this Privy Council, and so long as she has got an Empire, so long as she wants to be proud of her Empire, and so long as she wants to maintain her connection with her Dominions, she must pay for this just as she maintains the Crown. The Crown's accessories must be maintained by her. Then why not say "As regards the King's Civil List you should also contribute to the King's ordinary expenses." He is our King just as he is their King, and why not put on the estimates of this House half his expenses. Why not come to us with that? It seems to me ridiculous that this proposal should emanate at all, but I hope it did not emanate from the British Government.

The Honourable Sir Alexander Muddiman: I should like to say it did not.

Diwan Bahadur T. Rangachariar: I hope that if the proposal is put to them they will reject it with scorn. It is more the Indian way of looking

at the matter, to pay half. Therefore I would ask that that clause should be dropped out. By all means increase the pay if you like. What did my Honourable friend say speaking about the adequacy of the salary? He contemplates Indians going there. Only he objects to my putting it in the Resolution. He said that eminent men from the Bar and retired Judges of the High Court will go to England and sit on the Privy Council and then return to India and spend the evening of their life here. That is what he contemplates. When he asks us to pay them £4,000, he contemplates that they will be Indians but if it is English Judges who go to England and spend the evening of their life there it is not necessary that they should receive such a high salary. Therefore £4,000 contemplates Indians being recruited. I do not want these things to be left ununderstood. We often have experience of the way in which the solemn assurances given on the floor of this House are not taken notice of. Only the other day we had an instance. We were given a solemn assurance that when the time came the scales will be weighted in favour of an Indian, but when the actual time came for carrying out this promise some other considerations prevail. If you want really to have Indian advice, why shut our eyes to the fact? If you want Australia to advise, would not Australia send its own men? If you want South Africa to send men there, would they not send their own men? So also in the case of India. If you want men to assist His Majesty in Council in Indian appeals, why not send Indians? It is the one Department in which Indians have distinguished themselves. It is in the domain of law that Indians have earned a world wide name. You will be sending only two out of several that will be sitting on the Judicial Committee. I do insist, Sir, that the two gentlemen who have to sit and give advice on Indian matters should be Indians. As I have already stated, I am not very particular whether you pay £3,000 or £4,000, so long as the money comes from Britain, but I do object that any portion of the money should come from Indian revenues. I do not look at it from the point of view of money at all. Let that be clearly understood. I object to the character of the claim that we should contribute to His Majesty's Privy Council. I do not think the Indian revenues should be taxed with it. In the second place it is not consistent with the dignity of the Empire that England should claim any portion of the salary. Therefore, Sir, I move my amendment to this Resolution as it stands.

"That in clause (2) for the word 'persons' the word 'Indians' be substituted."

"That in clause (3) for the figures '£4 000' the figures '£3 000' be substituted (*I do not want this to be pressed to a division if my Honourable friend will not accept it*) and that the words 'half of which shall be paid from Indian revenues' be deleted."

I do say that it is my most emphatic conviction that the time has not come for having a final court of appeal in this land. Let us not hide the facts from ourselves. What is it you witness every day on the order sheet—Look at the questions asked! What is the proportion of Sikhs, what is the proportion of Biharis, what is the proportion of Muhammadans and of people from this province and that province? Now, I have to make a sorry confession. I make it with the greatest pain and regret, and it is that we do not trust each other. There is no going away from that fact. I do not trust Muhammad Yakub and Muhammad Yakub does not trust me.

Maulvi Muhammad Yakub (Rohilkand and Kumaon Divisions, Muhammadan Rural). I do trust you, Sir.

Diwan Bahadur T. Rangachariar. That is all right. But there it is, that is a sorry fact we have to recognize. It occurs unfortunately and it is a thing which is really troubling us, and at this moment to talk of establishing an ultimate court of appeal here appear to me chimerical and foolish.

Colonel Sir Henry Stanyon (United Provinces: European). I rise to oppose the amendment. It may be put under three heads, substitution of "Indians" for "persons" in clause (2), substitution of "£3,000" for "£4,000" in clause (3), and deletion of the words "half of which shall be paid from Indian revenues." I will make my submission under each of these three heads in the order given. First, as to the substitution of "Indians" for "persons." This amendment takes me by surprise. That surprise is not caused by any shadow of a suspicion that the amendment is dictated by any racial bias. I know my Honourable and esteemed friend much too well to entertain any suspicion of that kind. My surprise is due to the fact that so capable a Member of this House should have overlooked a very obvious fact, namely, that any recommendation made to His Majesty for the appointment to His Majesty's Privy Council of a member with Indian experience must be governed only by a consideration whether the person recommended is the one best fitted to discharge the duties of the high office. He must be a person possessed of recent knowledge of Indian law and practice. Surely my friend will admit that on the Benches and at the Bars in British India there are both Europeans and Indians possessed of such knowledge. The task would be to choose the best, or the best available from among them. The law administered by the Judicial Committee of the Privy Council is not merely the personal law of India. If that had been the case I would still have pointed out that such Europeans as John Mayne West and Buhler, Macnaughten and others have been recognized as authorities even on personal law. But in point of fact the Judicial Committee has to deal with a large volume of Statute law founded on principles of English law. I do not claim that European lawyers can understand and apply that law any better than Indian lawyers. Indeed the contrary is often the fact. But I do claim that an Indian, merely as such, is in no better position than a European to understand and apply Indian law as a whole. Therefore, I maintain that the only principle governing a recommendation to the Privy Council should be the fitness of the individual recommended regardless of his race or creed. Next as to emoluments. In India bargaining is a habit. We have had examples of it before in this House.

Mr. T. C. Goswami. The habit is there in the Resolution itself.

Colonel Sir Henry Stanyon. If the Honourable the Home Member had put £5,000 in his proposal, he might have got a vote in favour of £4,000. But in this case the Honourable Mover of the amendment has realized that he is bargaining—if we take the terms of his whole amendment—for the British Government, because he does not want any part, even of the £3,000, to be paid out of Indian revenues. But Sir, what is the real point? It is manifest that we want the best man we can get, European or Indian, to sit in final judgment on the Privy Council. Surely such a man should have an emolument not less than that of a provincial High Court Judge. As regards the money coming out of Indian revenues, I have not much to say. It is of the first importance to India that Indian law, and, if the necessity should arise

as it sometimes does, Indian evidence, should be correctly understood and applied in the Judicial Committee, and that is an advantage which, it seems to me, with all deference to my friend's opinion and the opinions of others of my friends in the House, is one for which on an ordinary principle of justice India should pay. The fact that she has not paid for her justice so long does not seem to me to affect the position. So much the better for India. It does not take away from the justice of the proposition that where India asks to be supplied with a specially gifted and qualified man to give a final judgment on her administration of justice, she should pay for him. It must be remembered that in the terms of the Resolution this contribution will be controlled by the addition that the gentleman appointed shall cease to be a pensioner from Indian revenues during the time of his holding the appointment. I have said that it is of the first importance in very many cases that Indian evidence, *e.g.*, the construction of vernacular documents, should be properly appreciated and understood in a final judgment like that of His Majesty in Council. We know that what the Judicial Committee of the Privy Council have before them are mere translations. It is all very well to say that the original record is there, but if you have Judges who do not know India and its conditions

Sir Hari Singh Gour The original record is never sent out of the country. It is never sent.

Colonel Sir Henry Stanyon That makes my position still stronger. They have nothing but translations.

The Honourable Mr S. R. Das (Law Member) It is sent.

Sir Hari Singh Gour My impression is that it is not, only the transcript.

Colonel Sir Henry Stanyon Let me illustrate the danger of judging by translations only with a short story. I hope I will not be accused of levity in dealing with a serious subject, but I think it is a good illustration. I was at a banquet with some of my esteemed Indian friends, and one gentleman, an Indian, whose mother-tongue was Urdu or Hindi, being asked to make speech was anxious to make the point that it was a splendid banquet and that he had thoroughly enjoyed himself. His thoughts may be put in Hindustani in these words: *Kya tofa khamal mera to peth bhar gaya*.

What he actually said was this: "It is a fine banquet. I am thoroughly fed up." (Laughter.) Well, Sir, no one who knows India would have any difficulty or make any mistake in construing that English sentence. But a Judge unacquainted with India or with Indian habits of this kind might easily fall into the error of thinking that this really pleased and satisfied gentleman meant only to be sarcastic. Turning to the serious side of it, I say that an error in the construction of a document by the Judicial Committee might work grievous injustice in India. It is for protection against this danger that it is of the first importance to India to have Judges who know the country, who know the people and who know the law and practice. I oppose the amendment of my friend "lock stock and barrel."

As regards my friend Sir Hari Singh Gour's opposition, his state of mind on the subject, I think, is fairly evident from the terms of his speech that he should feel hurt at the way in which his proposal, a serious

well-considered and hard-worked proposal, was treated as natural. But I think he has been carried away into rather overstating the case. In my address on the occasion in February last, when Sir Hari Singh's Bill was before this Honourable House, I pointed out in detail that while the British Empire exists as a British Empire no local Court in any part of it can forcibly displace the jurisdiction of His Majesty in Council. Supreme Courts have been set up, final courts have been created, but they are final only in the Dominion or other part of the Empire, where they have been established. Let me mention only the case of Australia. There we have Federal Courts and we have a Supreme Court called the High Court. Appeal lies from each Federal Court to this High Court, but every appellant from a Federal Court has the option, if he prefers, to go direct in appeal to His Majesty in Council. I think that if the constitution of these various courts is studied, it will be found—I think in Halsbury's Laws of England—that in no case is the jurisdiction of the Privy Council necessarily ousted—that is to say, not as of right. No doubt where there is a Supreme Court, the Privy Council does itself make rules against the admission of appeals which have been dealt with by the Supreme Court. But the jurisdiction is there. I hear for the first time to-day that His Majesty the King in Council is not a court. We speak of the Judicial Committee of the Privy Council.

Sir Hari Singh Gour: I have never said that His Majesty the King in Council was not a court. I only said that the Judicial Committee of the Privy Council was not a court, but only an advisory committee to His Majesty.

Colonel Sir Henry Stanyon: I may be wanting probably in intelligence, but I am unable to understand how a part of a court cannot be a court at all.

Sir Hari Singh Gour: Advisers are not a court.

Colonel Sir Henry Stanyon: I ask the House not to be misled with these arguments urged against the Resolution relating to the Privy Council, because my friend's proposed Supreme Court did not find approval with this House. The House showed its sense of responsibility and appreciation in not consenting to set up a tribunal for which this country is not yet ripe. The time may come, when it will be so. I do not want to go over the whole of that ground again. Let this golden opportunity, as the Honourable the Home Member has rightly called it, be judged on its merits. So far as the financial side is concerned others will speak with greater authority and ability than I can do, but there is no question about it that to have Judges who know India on the Judicial Committee of the Privy Council is a decided advantage and an urgent necessity (with all respect to the existing tribunal) for this country.

Diwan Bahadur M. Ramachandra Rao (East Godavari and West Godavari *cum* Kistna Non Muhammadan Rural). Sir, I regret I am unable to agree either with the Resolution moved by my Honourable friend Sir Alexander Muddiman or with the amendment of my friend Diwan Bahadur Rangachariar. I think, Sir, that this is one of those subjects which ought not to be considered for the present at any rate till the broader question of constitutional reform relating to India (Hear, hear) assumes some practical shape. Sir, the question of the constitution of a Supreme Court has been raised more than once in this House.

by my Honourable friend, Sir Hari Singh Gour, and I regret very much that the subject has not received as yet that consideration which it deserves. The Honourable Member says that this is a golden opportunity and that we should accept the present proposal for placing the recruitment of Judges with Indian experience on the Privy Council on a much better footing than it is at present. He said that the proposals embodied in the Resolution require Parliamentary legislation. I oppose these proposals for this very reason. My ground is that once his proposal is crystallised and put into a Parliamentary Statute, it is our experience that it is exceedingly difficult to secure a modification of those provisions if it is hereafter desirable to do so. We have had many instances where India is now being adversely affected by Parliamentary enactments such as the British Nationalities and Status of Aliens Act, the Merchant Shipping Act and other Acts, and it is exceedingly difficult to secure an alteration of any Act of Parliament. This Legislature has no voice in the matter and it has no power to modify or alter an act of Parliament. This House will therefore be well advised in not consenting to any proposal involving any Parliamentary legislation in regard to this matter.

The Honourable Sir Alexander Muddiman How does my Honourable friend propose to advance constitutionally on the path of Reforms if he objects to all Parliamentary legislation?

Diwan Bahadur M Ramachandra Rao I do not say that there should be no Parliamentary legislation at all about India. Till the broader question of constitutional reform is settled, this question of the payment of salary for the Judges of the Privy Council must wait.

As regards the financial aspect of this question, I am not concerned with the small amount involved in this proposal, but I feel however that this question has to be viewed also from a wider aspect. We have had a continuous agitation for 25 years for the purpose of placing the salary of the Secretary of State and his establishment on the British estimates. It has been our contention for a long time that the machinery of Government in Great Britain should not receive any financial help from Indian revenues and that we should be placed in regard to this matter in exactly the same position as other self-governing Dominions and Colonies. Sir, one of the reforms carried out by the Government of India Act is that the cost of the India Office is placed on the British estimates. My Honourable friend is now asking for a contribution for the maintenance of the final court of appeal in Great Britain. It seems to me, Sir, that if the present proposal is conceded I do not see any reason why the Army Council should not come up and ask for a contribution for doing some work on behalf of India or why the British Cabinet should not ask for a contribution also for attending to that portion of their work which relates to India. (*An Honourable Member* "They would welcome it though.") Yes, they would. Therefore, Sir, on the question of a contribution for the salary of the members of the Privy Council it seems to me that while it may be unobjectionable in itself it may lead to complications. If we adopt this proposal it will be pointed out as an instance in which we have consented to make contributions from Indian revenues to Imperial establishments in Great Britain. On that one ground I have very strong objections to consenting to any contribution for the Indian Judges who sit on the Privy Council.

I should also like to ask my Honourable friend, if Judges of Indian experience are required in the Privy Council, why we should not consider the scheme which was adopted at one time in regard to the self-governing Colonies. In the case of the self-governing Dominions, by a Statute of 58 and 59 Victoria, it was provided that

"If any person being or having been chief justice or a judge of the supreme court of the dominion of Canada, or of a superior court in any province of Canada, or of any of the Australasian colonies mentioned in the schedule to this Act, or of either of the South African colonies mentioned in the said schedule, or of any other superior court in her majesty's dominions named in that behalf by her majesty in council, is a member of her majesty's privy council, he shall be a member of the judicial committee of the privy council."

It seems to me that some arrangement like this may secure suitable Judges in service from India for the Privy Council.

The Honourable Sir Alexander Muddiman: I may point out that the Judge does not get any pay at all. In the next place the Colony is deprived of a Judge for that period. (*An Honourable Member* "That is a poor consolation to the individual judges.") It is great consolation to the British tax-payer.

Diwan Bahadur M. Ramachandra Rao. Some arrangement like the one I refer to will improve the status of the Judge of the High Court in India by being appointed to the Privy Council. One or two of the Judges actually in service in India will then be sitting on the Privy Council. Why should a Judge of the High Court not be appointed to the Privy Council instead of appointing a retired Judge who may not be in touch with the law in India?

The Honourable Sir Alexander Muddiman. Do you suggest that a Judge who is still a Judge in court here should go to the Privy Council to hear appeals?

Diwan Bahadur M. Ramachandra Rao. That is exactly what was done in the Colonies some time ago.

The Honourable Sir Alexander Muddiman. What would be the result of that? You would have to get another Judge to replace him.

Diwan Bahadur M. Ramachandra Rao: It may be that that is the better system. You would then have a Judge in living touch with the law in India, sitting on the Privy Council. He will come back after some time and resume his place here. That was the colonial system at one time. I am not at all enamoured of the proposal that at the end of his service one of His Majesty's Judges in India should be selected to serve on the Privy Council. It might be quite a nice billet for a retired Judge to get a salary of £4,000, but if it is a question of having living touch with the laws of India, I would rather take a Judge from one of the High Courts and ask him to serve on the Privy Council there for a certain period of time.

I do not know whether the question of having colonial Judges on the Privy Council received any attention from any of the Colonies. It seems to me that the question, judging from what is stated by Keith, was discussed by some of the Colonies. There were difficulties in asking either the British Parliament to pay for their service or in asking the Colonies to pay for their services. It appears to have been considered also from the

point of view of the actual selection of the Judge being left to the Colony In these circumstances I think the question is premature I therefore oppose both the amendment as well as the Resolution moved by my Honourable friend Sir Alexander Muddiman

***Maulvi Abul Kasem** (Bengal Nominated Non-Official) Sir, when such distinguished men as the Honourable the Vice-Chancellor of the Delhi University and the leaders of the Bar from Madras disagree it looks foolhardy on my part to rise to speak (*An Honourable Member* "It is") I believe it is, Sir, but I think that in the discussion of legal aspects, at least the opinion of the man in the street should also have some consideration Sir Hari Singh Gour said that from the Viceroy's speech and from the terms of this Resolution, if we accept it, we are going to perpetuate the establishment of the Privy Council and bar for ever the establishment of a Supreme Court in this country Without going into the merits of this question I am afraid that my reading of the Viceroy's speech differs a little from his I think that what the Viceroy meant was that the Privy Council has been of great benefit and advantage to the people of the country and it was meant not to perpetuate the Privy Council but to perpetuate the benefits thereof Sir, I would remind Sir Hari Singh Gour that so far back as 1896 he associated himself with a resolution which was placed before a large gathering of my countrymen in Calcutta which demanded that Indian lawyers of eminence should have a place in the Judicial Committee of His Majesty's Privy Council We in this country have been agitating for a long time for the appointment of eminent Indian lawyers to His Majesty's Privy Council because our lawyer friends felt that however eminent British judges may be they were not conversant with the personal law and the habits and customs of the people of this country to be in a position at least to understand and adjudicate on the evidence before them or on the laws under consideration Sir, my reading of the Resolution is—of course I have not the subtlety of a lawyer—that His Majesty's Judges on the Privy Council, as my Honourable friend, Mr Muhammad Yakub remarked, receive only a little honorarium for their work on the Privy Council and not a salary It is beneath their dignity to receive any salary But it is very difficult to secure eminent Indian lawyers to leave their country and go and stay in England for the purpose of having the dignity and honour of being a member of the Privy Council It is true that one Indian gentleman has the honour of being a member of the Judicial Committee of His Majesty's Privy Council, but that gentleman did not go to England for that purpose He went to England to make it his home and as he was available there he was appointed a member of the Judicial Committee (*An Honourable Member* "He does not require it") Because he has gone there, but how many eminent people are prepared to do the same or for whom the fascination of residing in England is greater than that of living at home I understand that the idea is to appoint distinguished lawyers Indians, to sit on the Privy Council and therefore, if they are not to be paid a salary they must be paid so that they can live there comfortably as Diwan Bahadur Rangachariar said, and living there comfortably includes coming home occasionally

Sir, the Resolution as placed before us has got the word "persons" and it has been said by my Honourable friend Sir Henry Stanyon and the Honourable the Home Member that the very best persons are to be

appointed and that there is no need to limit it to Indians. I submit that while we want men with knowledge and experience of the Indian law they should be Indians themselves. I do not deny that there are English lawyers who understand our laws, our personal as well as statute laws, but I think nobody will deny that there are Indians who understand them as well if not better. Whatever the failings of my countrymen in other walks of life, there is no denying that in the field of law they have cut a brilliant figure. Many names have been mentioned and many more can be mentioned, but there is no need. I will, therefore, ask the House to accept the Resolution with the amendment that the word "Indians" should be substituted for the word "persons", because I think that, specially with reference to personal laws, Indians will certainly be more capable of understanding them. My Honourable friend Sir Henry Stanyon has given an illustration that a man who was wealthy said he was a beggar. That was because Englishmen who do not know the customs of the country or the language of the country, could not understand it. I submit that no British judge, however learned, however eminent he may be, will be able to realise fully the evidence and the technicalities of the personal law of Indians because he will not have that intimate insight into the life, customs and habits of the people of his country as the Indian lawyers themselves have. I would therefore insist that the term "Indians" should be substituted for the word "persons" for the very simple reason that there may be occasions when it may be necessary under certain circumstances to provide for non-Indians. British Judges who go to England after their retirement will get an honorarium. They require no special allowance when they sit on the Privy Council because they will live at their home. It is only in the case of Indian gentlemen who have their home in India and have an attachment for their home that money is required to enable them to keep themselves in comfort in London and to meet the expenses of the journey to India and back. For these reasons I support the Resolution as amended by Diwan Bahadur T. Rangachariar.

The Honourable Sir Alexander Muddiman Sir, it is with some regret, indeed with some sorrow, that I find I have to rise in a House where there are only a handful of Members to reply to a subject of this importance.

Mr. R. K. Shanmukham Chetty On a point of order, is there a quorum now?

(On a count being taken by the Secretary it was found that there was no quorum and the bell was rung and a quorum obtained.)

The Honourable Sir Alexander Muddiman Sir, when I previously rose to address this House I expressed my regret that on a matter of this importance I should have to address empty Benches. This has in some degree been remedied by my Honourable friend opposite who very rightly pointed out that there was no quorum. I address the House suffering under a sense of extreme depression. The Resolution I brought forward, whatever its merits or demerits may be, is certainly on a matter of the very highest importance to India. That it should be a matter of such indifference to this House that a quorum was not present when it is under discussion is a matter which will doubtless be noticed by others besides myself. Sir, I am accustomed to Parliamentary defeat.

I think the House will bear me out that I bear it with neither anger nor irritation. It is part of every one's business to do so. But when I see a debate which appears to me to fail to grasp the importance to India of the proposition I put forward I assure the House it is in no sense of personal pique that I feel depressed. It is in no sense because what I ventured to put forward will apparently be rejected. It is from the deep sense that if the House rejects this Resolution they will be doing a grave injury to India and to the interests of the people of India. Throughout this remarkable debate—I say remarkable debate for it is a matter for comment that two at any rate of the Members of this House who I should have thought would have felt it their duty to express their opinion on a matter of extreme interest have not done so. The opposition to the Resolution has hardly been less remarkable than the amendments which have been proposed. The opposition has been based on various grounds, so different, so peculiar, so remarkable that I cannot help feeling that the opposition to the Resolution is not based on the merits of the Resolution but because of the person who proposed it. I am deeply grieved if that is the case. (*Several Honourable Members* “No, no, not at all.”) I would like to bring the House back to one point. There has been a general suggestion throughout this debate that the Dominions are better treated in the matter of the Judicial Committee than this country, and the House has generally been led by some speakers on that line. Now let me state quite plainly and frankly the facts. What are the facts? The Government of England, His Majesty's Government, have never contributed one farthing towards the cost of judges for hearing appeals from the Dominions, nor do they do so at this moment. In so far as the Dominions are concerned, the British Government has never paid a penny. (*An Honourable Member* “What about the Colonies?”) The position is the same. On the other hand on behalf of India there have been payments from the Consolidated Fund of the United Kingdom for the purpose of retaining Indian experience in the Privy Council since the year 1833. The Home Government have been paying two Judges £400 as an indemnity, a miserable indemnity I agree, but the payment has been made—what for? For the purpose of seeing that Indian experience is represented on the Privy Council. No such payment has ever been made on behalf of any Dominion, nor, as far as I know, has any Dominion ever asked for such payment. Another point was made to me by an Honourable Member for whose opinion I have great respect. He said that in my opening speech I created a doubt by not replying to a question from an Honourable Member opposite me (Mr Chetty). He said that that has led to some misconception in the House. There is some idea apparently that this is a proposal that has been foisted on the Government of India by the Secretary of State. That is entirely erroneous. This proposal was taken up by the Government of India from the conviction that we should have to do something to secure a more satisfactory position, not in regard to the personnel—I have already paid a great tribute to the learned judges who have for many years ably discharged their functions—but in regard to changed arrangements for the hearing of Indian appeals. We took it up at this end. It was not in any way thrust on us, and when we took it up at this end, what was our position? His Majesty's Government had been paying for India what they had not done for anybody else, they had been paying since 1833 £400 per judge. A question was raised as to bargaining. As I told my Honourable friend opposite, I am proud to say that I . . .

Mr T. O. Goswami. On a point of personal explanation, I did not raise the question of bargaining. I was only referring to a statement which fell from my Honourable friend, Sir Henry Stanton.

The Honourable Sir Alexander Muddiman. I am not reproaching the Honourable Member. He is quite right. I think it was the duty of the Government of India to bargain. When you want something more if you are a sensible man, you generally bargain. What was the position of the Government of India? They were receiving a benefit, they wanted more, they wanted a good deal more, they wanted Judges, instead of on £400, on £1,000 a year. That was our view, right or wrong. Very good. That would impose a charge on the English revenues ten times what had been previously paid for nearly a hundred years. Therefore I think it was not unreasonable that we should endeavour to show that we did appreciate to some extent the fact that it was not entirely the business of the English tax payer to secure this representation, or at any rate not to the full extent of what we were suggesting. I said in my opening speech, our proposals were received in what I consider, and in what I would ask the House to consider, a fair and reasonable way. In substance the answer was, "Well, we also have got to consider the position. We had paid this money, we are prepared to go on paying the money, but if you want a change, let us see what you can do about it." Is not that the principle which you always have in any business transaction? What other system can you proceed upon?

Diwan Bahadur T. Rangachariar. It is not a business proposition.

The Honourable Sir Alexander Muddiman. I will come to my Honourable friend in a minute. That was the proposition I put forward, and the House is under an entire misapprehension therefore if they think that we are having something forced down our throats against our will. We have tried to persuade the Home Government that it is necessary to do something about it. They are inclined to take our view and for that reason I say we have the chance of a good bargain. If this House rejects it, I greatly fear that it is finished. I greatly fear that the opportunity may not recur again. Let me take another point. What is the proportion of work that is done on behalf of India there? I told the House this before but I must have been speaking very badly or not listened to. I told the House that 59 per cent of the total appeals that go to the Privy Council go from India.

Mr T. O. Goswami. They ought not to be so much. That in itself is a wrong.

The Honourable Sir Alexander Muddiman. That is quite another proposition. I quite agree that my Honourable friend has been consistent in denying the advantages of any existing institution. I give him the credit for that consistent attitude. The other Members of the House I hope are not perhaps so consistent on that view. In the period between the years 1911 to 1917—I repeat these facts because they were apparently not understood—there were 514 Indian appeals and from the whole of the rest of the Dominions there were 365 appeals, that is, 59 per cent of the work came from India. What did the Home Government do for that? For these 365 appeals that came from other parts of the Empire they did not contribute anything beyond the Judges who heard them. For our appeals they paid £800 a year.

Mr S C Ghose (Bengal Landholders) Appeals are increasing

The Honourable Sir Alexander Muddiman Appeals no doubt are increasing My Honourable friend is connected with the Court and he knows it It may be so In my time they were decreasing It depends on the Judges (Laughter)

Mr M A Jinnah Why not have a Supreme Court?

The Honourable Sir Alexander Muddiman May I proceed in my own way? That is my point Therefore so far from India being in a worse position—that is the point which was really urged—than the Dominions, so far from our being asked to do something which the Dominions do not do, so far from the British Government treating India worse than it does the Dominions, we are in a far better position My Honourable friend, Diwan Bahadur Ramachandra Rao took the line that it was an atrocious thing that India was not treated as well as the Dominions I have shown conclusively that, so far from the treatment to India being worse, we have been better treated financially

The next point I want to make is this My Honourable friend seemed to think that there was some curious constitutional objection to the change affected being made by an Act of Parliament He argued apparently that nothing should be done in that way till the constitutional changes he desires have been given effect to He would not invoke Parliamentary legislation to assist the better hearing of appeals Surely, that is very much overstating the point if there is any point in it at all You have got to invoke Parliamentary assistance in what respect? Simply to provide for proper payment to men who represent your own country Now, so much on that point

Then, it was said “Why not have a Supreme Court?” My answer to that is this The House had the matter before it for a considered decision It was debated at great length on the 17th February 1925 and they rejected the Resolution and when my Honourable friend Mr Goswami gave the reasons why he voted for the rejection of that Resolution, all I can say is that they were not the reasons given by the Honourable gentleman under whose flag, I understand, he serves His reasons were that he did not like any existing institutions if I gathered him rightly

Mr T C Goswami It comes practically to the same thing Doesn't it?

The Honourable Sir Alexander Muddiman My statement of the case is, I see, correct I do not intend to take up the time of the House by digging skeletons out of the debates in the Resolution which was rejected, because I am not one of those who believe in trying to pin people to consistency not if I want their votes I do recognise that people change their views and I do recognise that it is unfortunately the necessities of the case that make them change their views

Mr M A Jinnah Why not show the same respect to other Resolutions of this House?

The Honourable Sir Alexander Muddiman My Honourable friend is perfectly right in his point This is a Resolution to which we do desire to pay respect It happens to be one which he will not vote for and therefore he desires to pay no respect to it

Mr. M. A. Jinnah It is a wrong opinion

The Honourable Sir Alexander Muddiman. In your opinion, not in mine. Now I have dealt with that point. Sir, sometimes my supporters give me nearly as much trouble as those who definitely say that they disagree with me entirely. (Laughter) My Honourable friend Diwan Bahadur Rangachariar I confess surprised me immensely. As to his first point about economy, I need not refer to it because his second amendment makes it perfectly clear that economy will not begin at home and that he attaches little point to it as he has been economical with other people's money. I need not carry that point further because Sir Henry Stanyon has already dealt with it.

The second point was the insertion of the word "Indian." Now, I have tried to meet it in advance because I knew it would cause trouble if moved. Of course, I get the usual reproaches that unless you have the word "Indian" in the Statute, Indians will not be appointed. I really need not argue that point. I do not think my Honourable friend believes it nor do I intend to argue it. But what was his curious statement at the end of his speech? "He and his Honourable friend Maulvi Muhammad Yakub did not trust one another." He really would like further racial distinctions,—one a Hindu and the other a Muhammadan. What else could it mean? (*An Honourable Member* "Why not have both?")

The next point that was raised was the question of money. I have disposed of it sufficiently by pointing out that we were in a position of asking for further English expenditure and in order to support that we had to offer to do something on our side. It is a good maxim "*do ut des*." My sole and only object is—and I believe there are many Honourable Members who have the same object at heart—that our proposals if agreed to would secure great advantages to India in the shape of a strengthened court. Notwithstanding the legal hair-splitting of my Honourable friend Sir Hari Singh Gouni it is a court. It may give its advice to the King but for all practical purposes and for all practical men it is a court. By adopting this Resolution you would secure a court which would dispose of your litigation better. I am surprised, I confess, at the attitude which this House has taken because we have in it merchants and other persons to whom it is essential that judgments should be passed after the full understanding of the case. I cannot understand for example how a great Bombay merchant could refuse to support a proposal of this kind where recent Indian experience may decide the difference between a right and wrong decision on a trading contract. Sir I appeal to the House to pass this Resolution. If it does not do so it will be doing great harm to the people of India, who look upon the Privy Council with justice as a court which has done great things for India. This House ought to be careful before it rejects this Resolution, because it will subsequently be sorry if it adopts that unfortunate course.

Mr. President. The original Resolution was

"That this Assembly recommends to the Governor General in Council to take steps to secure

- (1) in the case of future appointments the enhancement of the salaries paid to the two members of His Majesty's Privy Council with Indian experience who sit on the Judicial Committee under the provisions of the Judicial Committee Act of 1833 to hear Indian appeals,
- (2) that they shall be persons possessed of recent knowledge of Indian law and practice,

- (3) that their salary shall be £4,000 per annum each, half of which shall be paid from Indian revenues, and
- (4) that during any period when the salary is enjoyed, any pension payable to either of them from Indian revenues shall lapse "

Since which the following amendment has been moved

' That in clause (2) for the word ' persons ' the word ' Indians ' be substituted "

The question is that that amendment be made

The motion was negatived

Mr President The following further amendment has been moved

" That in clause (3) for the figures ' £4 000 ' the figures ' £3,000 ' be substituted and the words ' half of which shall be paid from Indian revenues ' be deleted "

The question is that that amendment be made

The motion was negatived

The resolution was negatived by 50 votes against 40

26th January, 1926

RESOLUTION *RE* RELEASE OF POLITICAL PRISONERS

Maulvi Mohammad Shafee (Tirhut Division Muhammadan) I beg, Sir, to move the following Resolution

" This Assembly recommends to the Governor General in Council that he be pleased

- (a) to order the unconditional release of all such convicted or under trial political prisoners in Indian jails as have not been held guilty or charged with any act of violence and all political détenus whose trial in a court of law is not contemplated,
- (b) to order the release of all other political prisoners convicted or under trial, provided that a committee consisting of two members elected by the Legislative Assembly and two members nominated by the Government recommend their release, and
- (c) to allow the return to their homes of all Indian exiles in foreign countries who are supposed to have been concerned in revolutionary movements in order to secure freedom for India on such reasonable and honourable terms as the Government may think fit to impose "

Sir, this is a matter on which all of us have strong feelings of genuine sympathy. We cannot afford to ignore the unhappy people for whom this Resolution is intended. I cannot say that the opposite side does not share such feelings with us. After all, every human being feels for the sufferings of others. It is, of course, the diverse interests which are responsible for any inhumanity if we find it being exercised by one against another. But the question before us is such that can be viewed from a non-party standpoint, more especially so at the present moment, when the atmosphere in the country appears to be calmer and cooler, and when everybody is anxiously thinking what his future course of action should be. This is the right moment which should be seized by the Government for extending the hand of sympathy at least to those who have suffered enormously in the cause of their country or their religion. Their cause is sacred and be they guilty in the extreme of any political offence, they can, under no circumstance, be classed as ordinary criminals to rot in the jails or outside their native land for the rest of their lives or for the rest of the long sentences to which they are subjected. The sacredness of the

cause demands special treatment of their cases. Their sufferings are not those of ordinary mortals who suffer for self-interest. They are patiently suffering for all of us sitting here in great comfort. There is the noble life of martyrs.

I could not picture to you all that I feel for them for want of appropriate words and the time that it would take. I pray you all, however, to picture to yourselves the thousands that are suffering for political offences in India and outside India. With this picture before you you should not allow yourselves to be swayed by any consideration other than the sacredness of their cause, their honest endeavour to do what little they could in the furtherance of that cause, the patient sufferings of those, most of whom might be lying at this time of the day in their solitary cells, and last but not the least, the duration of time that they have been suffering. The offences which they were charged with or which they might have committed cannot be the standard by which you can judge their conduct, because the Resolution does not cover any person who has committed an offence for private ends and spite. It is the cause which they were fighting that should be fixed upon.

I should rather clear the point first of all, as to what I mean by the phrase "political offences." For this we have to refer to the *Encyclopædia of the Laws of England*, Part II, page 208. It says

"Where an offence has been committed, not from motives of private spite or interest, but in order to change the Legislature or executive Government in the country, it is freely contended that the offence is political and that persons convicted of it should not be treated as ordinary prisoners, and should be pardoned or amnestied on the earliest opportunity."

It goes on to say that the offences to which this contention applies are "those described as against public order, namely, treason, treason-felony and sedition or interference with the Executive or Legislature by unlawful assemblies intended to defy or overawe either, or riotous protests against the law, and in fact, all acts directed to obtain by unlawful means a change in the law or general government of the realm." I think this definition which I have given from the *Encyclopædia of the English Laws* would be the common ground on which both parties in this House would rely. After doing this, I would say that we know the standard by which we can judge the individual or groups of individuals who are covered by the Resolution before the House. We have classed such political prisoners under three heads in view of the different treatment that can reasonably be given to such persons. The language of the Resolution, or rather of some of its clauses, is in some places loose but the sense is absolutely clear. Those who have accepted the doctrine of non-violence stand on quite a different footing. They come under clause (a). These would include those convicted and under trial, also those who have been detained without any trial. In the case of all such persons it is presumed that no overt act of violence is proved. They are in fact the product of non-violent activities for the sake of their country. I would, therefore, ask the opposite side whether such men should be detained in custody at any time. Are they not the real preservers of peace? I cannot but be convinced from the experiences that I have gathered during the last six years personally that those who are pledged to non-violence are real soldiers of peace in this 20th century world of ours. I cannot think of any such men being detained within the bounds of walls for the good of anybody. There is absolutely no doubt in my mind that their detention does not

help even the English people a bit. In my opinion it rather harms their interest. It has harmed their interest and will go on harming them if they persist in it. Those young men of Bengal, who were vying with each other in their zeal for patriotism and against whom no charge of any violence could be brought forth and who are hence detained under the Bengal Ordinance and Regulation III of 1918, come under this head. Our brave Akali brothers who fought a non-violent battle for their religion also come under it. I have just seen that about 20 of them were released yesterday. We therefore ask for the unconditional release of all these persons. There should be no condition imposed on men like these.

Under the next clause (b) come all those who are not covered by clause (a). They no doubt stand on a different footing, and we have therefore to recommend a different treatment for such persons. As the new movement of non-violent non-co operation brought me into the arena of active politics, I do not, I must confess, know as much of them. Rather if I knew anything of them I knew their worst features. But now that I have been drawn into the active politics of my country, I can visualise what they stood for. The more I think of them, the more I become enamoured of their devotion. To be strictly correct, I should say I become ashamed of them. For what have they done? Have they done anything for their own self-interest? If they have done so they are not entitled to our consideration. They stand condemned in their own eyes and in the eyes of the world. I am thinking of those only who have committed any act of violence for the sake of rescuing their country or their religion from the violence of the rulers. What else could they have done in those days only if they had that fire of patriotism burning within their hearts? The invention of non-violence was not then known to the world and for the matter of that to those honest men who could not shrink from doing their duty simply because reprisals were soon to follow from mightier hands. Now that the weapon of non-violence has been practised in India on so many occasions and found quite suited to the genius of the people in achieving their desired goal, I daresay the weapon of violence will be, as a general rule, left untouched whenever some sacred cause is in hand. I wish I could impress on the other side of this House that they should deem it their great fortune that such a weapon has been invented and the best minds of India are doing their utmost to bring it into vogue amongst the multitudes of the people who inhabit this unhappy land. They should proclaim it from the top of every house that this is the weapon they gladly welcome and thus help the greatest peace-loving man on the face of this earth at the present time in his propaganda of getting it accepted to the fullest extent. But before it was actually practised in India for the first time, which I believe was in December, 1921, when the whole of India withstood the order of declaring the volunteer organisations as unlawful, I hold that people in India deserve to be pardoned for what they did before in using violent methods. The opportunity of such general amnesty was afforded to the Government many times, but I am grieved to observe that it was not availed of. Now is the time for it, when the people themselves, through their representatives in this House, ask for the release of these persons and that also not generally but after having their cases examined by a committee, both elected and nominated in which the House may have confidence. This clause will include all those who have been tried by special tribunals, tribunals set up under martial laws of 1919 and 1921, and any others whom I may not know.

The third cause (c) relates to those great souls of India who are now exiled in foreign countries. The same can with greater force be said about these souls as has been said above about the persons covered by clause (b). I have no acquaintance with them and hence I leave it in the hands of those who are intimate with their activities. The request in regard to those persons is much more mild. They are left to the mercy of the Government, but of course this House cannot with any self-respect accept any condition which is humiliating to the country or which is humiliating to the individual concerned. The terms should in all fairness be reasonable and at the same time honourable. No fairer opportunity could come to the Government than when there is such a humble request made on behalf of this House. With these words, Sir, I commend the Resolution to the Honourable Members of this House for their acceptance.

Colonel J. D. Crawford (Bengal European) Sir, I have listened to the impassioned oratory of my friend, Mr. Ranga Iyer, with attention, but whilst he was busy smashing up the Government furniture I saw flash across his face that smile which one knows so well in the lobby, and felt that really even he was not sincerely convinced of what he was saying. I have also listened to the words of the Honourable Member moving the Resolution, because I was anxious to see, since this matter was last discussed, whether there were any fresh reasons which might enable us to look upon the position of political prisoners differently from what we did last time, and none of the speakers have produced one argument, or one shred of evidence which inclines me to change my mind. Admittedly, the Honourable Mover of the Resolution said that the atmosphere was now calmer and cooler. That, Sir, I believe is a fact, I believe it is a fact which is largely due to the measures which Government have taken and upon which I feel they are to be congratulated. (*An Honourable Member* "Question") I only wish that this House could congratulate itself by saying "We too supported the Government, we saw the necessity, we admitted that there was a revolutionary party, that there was trouble, which the ordinary courts of law could not deal with, and therefore that, as in other countries, we too, repugnant though extraordinary measures must be to all decent-minded men, find ourselves forced to take extraordinary measures, and the moment that the situation is cleared up, and our extraordinary measures have had their effect, then and then only will be the time to consider our attitude towards those who came within the clutches of that measure." I feel and I noticed this during the course of conversations which I constantly had with Indians on this question that there are many who say that the position

Mr. M. A. Jinnah (Bombay City Muhammadan Urban) On a point of order, Sir. Is the Honourable Member justified in disclosing private conversations that he had with Members?

Mr. President. The Honourable Member is not justified in referring to specific private conversation he had outside the House, but he may refer to it in a general way.

Colonel J. D. Crawford. I made no mention of conversations which I had with Members. I said in conversations which I had with Indians on this question at times I have realised that there is a feeling that possibly the Government could now bring those prisoners who are detained without trial in front of the court. They say there have been, since we last met,

cases brought in front of courts in which you have attained convictions, you have produced your witnesses and they have not been intimidated. Therefore, why not now produce all these men in front of courts. That is an argument which is so reasonable that it appealed to me also to a certain extent until I examined and took the trouble to find out the facts regarding the particular cases in which witnesses had been forthcoming. I found that in those cases the witnesses were what I might say fortuitous witnesses—that is to say, they were the ordinary men in the street who had been present at some commission of crime in the open and that these men had come forward and given their evidence as ordinary citizens in front of the court. But when you have to bring evidence against men who are at the back of a conspiracy, who are themselves not prominent in crime committed in the open, when you have to rely on sources of information which are secret, then you cannot bring forward that information in court until you are certain that your conspiracy is entirely broken. (*An Honourable Member* "What is the good of having any laws at all?") If Members will give me an opportunity may I tell them of the position in the Free State. The Free State of Ireland is my own country and they have been forced to do what? They have been forced to intern without trial 12,000 men and when they were asked to release those men

Mr Devaki Prasad Sinha It is a damn shame!

Colonel J D Crawford It is a free country, Sir! When they were asked to release those men they said "We cannot release these men until the conspiracy against our free government is absolutely broken." That is the actual position. Have we to-day any evidence to show that this conspiracy which we all deplore—you deplore it as much as anybody else, you have no wish for violence,—has subsided? Have we now sufficient evidence to show that it has so broken up that we can produce evidence from our private sources of information and bring these men to trial because we no longer want them? I cannot believe that that is the position. That is my opinion on the question. Supposing that we have got the good-will, which I honestly believe Mr Ranga Iyer wants and which I think is growing, and go to Government and ask them to grant an amnesty. What is the experience of amnesty of political prisoners? What happened in your amnesty in 1912? There was a recrudescence of your revolutionary movement the moment you let out your political prisoners. What happened, again, in 1919 when once more you granted an amnesty? A recrudescence of your revolutionary activities. And what will happen again now if you granted another amnesty? A recrudescence of the revolutionary conspiracy. Now, that revolution is not a thing of which any firm and stable Government need be particularly afraid. But who are the people who would suffer from the deeds of these revolutionaries, misguided men as they are? It is the ordinary citizen, the citizen in the street, and it is our duty in this House to stand up for the rights of the ordinary citizen and give him the protection before we consider those misguided men who adopt methods with which none of us in this House agree. Until we are sure that we have this conspiracy crushed once and for all—an amnesty will only mean that it will be again built up—we are not yet in a position to plead with Government for a general amnesty for political prisoners. So far as my own community is concerned, I feel that our position is this. We supported the Government with regret in the adoption of this extraordinary measure the measure is now with

the Government, the responsibility is with the Government. We see nothing but that the Government in the due exercise of their responsibility must in their own good time consider whether clemency should or should not be shown.

Mr T C Goswami Surely, Mr President, you know that invisible communications do sometimes pass from the Chair. I was told that the arrangement of debate would be facilitated if I formally placed before the Assembly the amendment that stands in my name. As I was saying, I should have certainly preferred to wait to hear if the Home Member had discovered any further arguments—or, shall we say, excuses—in defence of the continued detention of people against whom Government are not prepared to proceed. I will read my amendment, which is as follows:

“That for the original Resolution the following be substituted

‘That this Assembly recommends to the Governor General in Council that he be pleased

- (a) forthwith to secure the immediate release of all political prisoners detained without trial,
- (b) to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries who may be or may have been suspected of being concerned in any revolutionary or other activities regarded by Government as prejudicial to the interests of India,
- (c) to bring to trial under the ordinary law of the land such persons against whom Government think that they have sufficient evidence to go to Court.’

Now, I must explain why I propose this amendment. It is not because I am not in sympathy with every word that is contained in the original Resolution, which has been so eloquently moved by my Honourable friend **Maulvi Muhammad Shafee**. It is because when I saw the Resolution on paper I felt that two distinct issues had been brought within the scope of one Resolution,—the political prisoners who have already been convicted and the political prisoners who have not been convicted by any court. Now, in the case of convicted prisoners their release is technically a question of amnesty, whereas in the case of persons who have been detained without trial (and, what is far more appalling, without even charges having been formulated against them), I submit that is a matter of elementary jurisprudence, a matter of elementary human rights. Not that I have not sympathy and in some cases great respect for some of the political prisoners who have been convicted by what are called competent courts. First of all, I know—and the country knows well—that the judiciary in India cannot be relied upon. Indeed prostitution of the judiciary for “Imperial” ends has passed on even to the sacred precincts of temple of justice at Westminster. I would only remind you of Lord Justice Darling’s charge to the jury in the Tilak case and the still more obviously unjudicial conduct of Mr Justice McCardie in the Sankaran Nair case. There is another reason why I really lend my moral support to that part of the Resolution which is omitted in my amendment and which demands the release of political prisoners who have been convicted, and that reason is this,—that I do not regard it as necessarily immoral for any Indian to seek to effect a change in the present Government by violent means. I do not regard it as *immoral*. Political reasons of expediency may dictate a course of action which is not a violent course. My object in bringing this amendment before the Assembly, therefore, is simply this,—that the two issues which ought to be separate have been jumbled together in one Resolution.

Colonel Crawford, who, I understand, is the official Secretary of the European Association, may be forgiven for having amused this Assembly by solemnly affirming a proposition which is unknown alike to jurisprudence and to logic, that it is for the man who denies to adduce evidence. As a matter of fact, this House awaits the Home Member's speech, to see if the Home Member has any more evidence to place before this House. I do not care, and here I repeat something which I have said before—I do not care how high the authority is of the man who has examined the cases of these political détenus on mere reports. I do not care whether he has been a Chief Justice anywhere, or a Lord Chancellor anywhere. I do not care whether he is or has been a Judge of a High Court. For any one to say that a man detained without trial with no charge framed against him is a criminal, is a most preposterous proposition. I shall also wait patiently—but probably in vain—for the new Law Member who is conspicuous by his absence here, because the new Law Member of the Government of India, more than a year before the promulgation of the Ordinance, at a public meeting in Calcutta, where he was heckled, said, "I have got the list of suspects in my pocket." I want him, contrary to the prudent tradition of his two immediate predecessors, to defend in this popular House, if he can, the action of the Government in continuing to imprison people whom we all, the whole country, believe to be honourable men, innocent men.

We have heard again to day, as we have heard so often before, the callousness with which Members of the Government speak of the treatment that is meted out to these State prisoners. I repeat what I said this morning. Some of the State prisoners are used to comforts as good as the Home Member ever enjoyed. Even Regulation III of 1818 lays down that in the case of State prisoners, they shall be given all the comforts to which they have been accustomed in their ordinary life.

There is another point in my amendment which seems to require explanation, and that is why I want only the *Indian* exiles in foreign countries to be allowed to come back. When I drafted this amendment, I did have in mind the cases of non-Indian friends of India who had been exiled. But, just at that time, Mr. B. G. Horniman had managed to come back to India, through what has been described as a "Passport miracle", and his case was the principal case amongst those of non-Indian friends of India who had been exiled. With regard to Mr. B. G. Horniman, I think I ought to refer to what passed between myself and the Under Secretary of State for India in London.

The Honourable Sir Alexander Muddiman (Home Member) Is the Honourable Member in order in referring to a non-Indian? No doubt we should like to know what he has to say about the return of the Indian exile.

Mr. T. C. Goswami I want to explain why I am excluding the non-Indian exiles. In the case of Mr. Horniman, the Government of India here had said that it was the Secretary of State's office in London which was preventing his return. In Whitehall, they affirmed that it was the Government of India who were preventing his return. And so I was obliged to tell the Under-Secretary of State that the two contradictory statements could not both be true! I am glad that the Government have not made further difficulties in the way of Mr. Horniman's return, and I think they have discreetly allowed him to come, saving what they call their prestige. With regard to the Indian exiles, there are principally two classes: the class

mentioned in this Report—the Rowlatt Committee's Report, the Sedition Committee's Report, 1918—most of whom are in Europe, and the second class,—those who have been deprived of their American citizenship by a decision of the Supreme Court of the United States of America. We have reason to suspect that behind that decision was political pressure by the British Government.

The Honourable Sir Alexander Muddiman In which class did my Honourable friend include Rash Bihari Ghose?

Mr. T. C. Goswami Sir Rash Bihari Ghose? I do not know the case of Rash Bihari Ghose (*Voices* "Bose, Bose") Well, these Indians who have been deprived of their national status in the United States are not allowed to return to India. The case of Dr. Sudhindra Bose has been raised several times in this House. But Government are not yet in a position to say what nationality technically these people who have been deprived of their national status in the United States now belong to.

So much with regard to the terms of my amendment, except that I should like to point out that clause (c) has special reference to a provision in Regulation III which decreed that in those dark and perilous days of 1818 a man could be spirited away if Government thought that he was dangerous but had not sufficient evidence to bring them to court. I hope, in this more enlightened age, they will proceed against suspected persons according to the ordinary law of the land, and go to court with evidence, and take their chance. The Special Tribunal which has been constituted in Bengal by the Ordinance Act—which I do not consider as law, because it is really a violence against law,—is regarded with great suspicion. First of all that Tribunal has not been employed except in very few cases, and in a recent case in Calcutta that Tribunal was found to be notoriously and grossly partial.

The Honourable Sir Alexander Muddiman Is my Honourable friend in order in reflecting on a judicial trial?

Mr. President What has the Honourable Member got to say about the point of order?

Mr. T. C. Goswami My submission is that as the matter is not *sub judice*, I have a right to comment upon it.

Mr. President I am afraid the Honourable Member is entirely wrong. No comments reflecting on the conduct of Judges are permissible whether the case is pending or disposed of.

Mr. T. C. Goswami Then I can criticise the judgment.

Mr. President Yes.

Mr. T. C. Goswami I think that judgment is a most atrocious judgment.

The Honourable Sir Alexander Muddiman The judgment is certainly under appeal in the High Court. Do you consider it right that the judgment should be criticised?

Mr. President Criticisms of judgments are permissible in so far as they are possible without reflecting on the conduct of Judges.

Mr. T. C. Goswami Then I say that that judgment is preposterous.

I will remind the House of an incident which recently took place. I am sorry I am taking a lot of your time (*Honourable Members* "Go on")

Mr President. I am afraid the Honourable Member has already exceeded his time limit. Will he bring his remarks to a close?

Mr T C Goswami. May I make one more remark, Sir. I will refer to the Willoughby Carey incident in Calcutta. Sir Willoughby Carey was a colleague of ours in the last Session (*Honourable Members* "He is here") I apologise for having made a mistake and thinking that he is no longer a Member of this House. Well, the Honourable Sir Willoughby Carey approached a Member of Parliament who was recently on a visit to Calcutta and volunteered (this is a public matter) to accuse everybody—Mahatma Gandhi, the late Mr C R Das and others—of revolutionary conspiracy. Then Mr Johnston said that he had taken down what he had said, in writing and if Sir Willoughby Carey had the courage of his convictions he should allow one of the leaders of the Swaraj Party in Bengal to meet him in the presence of himself and Mr Sime, and substantiate the charges, which were very wide. And Sir Willoughby Carey—shall I say—"funked" it.

The Honourable Sir Alexander Muddiman. May I point out, Sir, that it seems to me rather a difficult position. If a Member of this House is to bring a personal charge against another Member of this House, he ought to give him notice. Did my Honourable friend give notice?

Mr T C Goswami. This is a public thing. Mr Johnston has times without number referred to that matter in the press, the matter has been freely discussed in the press, without any sort of disclaimer from Sir Willoughby Carey, and I am surprised that the Home Member does not know about it.

Mr T C Goswami. What I was driving at was this. Colonel Crawford was here when I rose to speak, but he is not here just now. (*A Voice* "He ought to be here") Yes, he ought to be here. Colonel Crawford said several times "We were forced to take severe measures. Who are the 'we'?" It is a significant 'we', it is a conscious "we". I submit that, at any rate in Bengal to-day, as things have degenerated there, the Government and the European community form a clique, and that between the Government and the non-official Europeans there is a liaison which we all heartily deplore, because, as I have said before, there is a suspicion that the Ordinance was conceived in consultation with the non-official European community of Calcutta.

The Honourable Sir Alexander Muddiman. The Honourable Member will accept my statement that that is an entire untruth. The Ordinance was not drafted in consultation with the non-official European community, and I will ask him to withdraw that statement.

Mr President. I think the Honourable Member ought to accept the statement of the Honourable Home Member.

Mr T C Goswami. I would like always to accept any statement from the Honourable Sir Alexander Muddiman. But the circumstantial evidence was rather strong.

Mr President I have already reminded the Honourable Member that he has exceeded his time

Mr T C Goswami. Yes, Sir, I will obey your command and the call of Luncheon

Dr L K Hyder (Agra Division Muhammadan Rural) Sir, I have no particular qualifications to make a speech on this Resolution, but I believe, Sir, that expression has been given to opinions which are held by a section in this country

Sir, I have been moving in an atmosphere of unreality all these three hours. What is it that the Resolution asks for? What is it that the amendments seek? I do feel that we must tackle these problems with a full appreciation of what is called Realpolitik. There is a body of opinion which has a different way. The goal which it seeks to attain is not the goal which I as an Indian would like to attain. The method by which they seek to attain it is the method of the bomb and the pistol. That method, all reasonable, moderate, liberal Indians should discard. What is it that they desire to do? Their desire is to jump out of the existing framework of society and law and order. That method all reasonable Indians cannot approve of. The Resolution as it is and the amendment as it is at present worded—both of them I cannot accept. It is out of a full appreciation of the fact that expression has to be given to what we feel that I, who possess no particular qualifications for speaking in this matter, have stood up to give my opinion on this and it is to this effect, that I cannot walk with people whose way of thinking is different, I cannot pay allegiance to them. As a man cannot have two hearts in one breast, similarly the man whose aim is to jump out of the existing framework of society, the man whose method is that of the bomb and the pistol, the man who says "I shall have recourse to violence"—I say you cannot pay allegiance to both of these principles, violence and non-violence. The Resolution asks for the release of such people who pay allegiance to different principles, to the principle of violence. (A Voice "How do you know?") What is it that the second part of the amendment demands? It says

"to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries"

I know very little about the Indian exiles. But this I know. Whatever party is in power—I shall not name any party, let it be the Moranian party, here in power, but the moment that a bomb is directed against the head of that party I ask Members of this House whether as honest, reasonable men they are prepared to advocate that the man who threw the bomb at the head of the party in power should be allowed to return to this country. (A Voice "That is not the Resolution") The Resolution is

"to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries who may be or who may have been suspected of being concerned in any revolutionary or other activities regarded by Government as prejudicial to the interests of India"

What is it that clause (b) asks for? (A Voice "Put them on trial") Certainly that is the way. Most certainly I say let people who have resort to this method be brought to trial and I say, "since you say that way, you say that good and you chose that method, therefore abide by the results of that method." As a Member of this Assembly I cannot in all conscience advocate the immediate release of all manner of people, but I do feel that here in this Resolution are jumbled up the cases of a number of

people There may be people who may have broken law and order in a moment of popular outburst I say in their case, "If the emergency is over, release them," because a man is apt to forget himself in a moment of popular outburst But here are people who have a definite way of thinking, who swear by principles which no reasonable Indian can at all approve, and the amendment asks for the immediate release of all such people We have had enough of this paltering with truth and untruth Either it is this or it is that Either it is going to be violence or it is going to be non-violence If it is violence, then no Indian, whether Swarajist or Independent or Liberal or Moderate can at all approve of it If it is going to be non-violence, then I say, "certainly let the Government bring the evidence against them and place the men on trial, so that justice may be done" Here I do feel that it is a breaking away from the principles which ought to be held sacred No man should be detained without trial I understand that the case of the Government Benchies is that if you bring these people detained under Regulation III of 1818 to trial, there is a fear of the lives of the officers and the lives of private citizens (*An Honourable Member* "That is a lie ") As regards that matter, I will reply "In a moment of emergency you can have these people detained " (*An Honourable Member* "How would you like to be detained?") If I were guilty of certain actions, I should like to be brought before a Judge I have the fullest right to ask what is the case against me I am prepared to abide by the results (*An Honourable Member* "If the Government do not do it what is your reply ") Under Regulation III of 1818 I say that the case of the Government is a weak one The Government say that if they bring these men to trial, the lives of the officers will be in danger and that the lives of the witnesses will be in danger That is a novel thing to which I cannot subscribe It is part of the life of a sailor to take all the dangers of the sea If an administrator feels that his life and the lives of the people may be endangered, I say you have got to take the good weather with the bad, just as it is part of the life of a soldier to take all the risks whatever they may be Here the case of the Government rests on a weak foundation They are afraid there will be more murders Let there be more murders but the right of the individual to be placed before a Judge has got to be vindicated and in my view the administrators and the policemen would be failing in their duty if they did not brave these dangers But this Resolution, as I said, is a jumble It asks for the return to India of people who are not of our way of thinking and of the way of thinking of some of us who are here I do not think there is a single Member of this House who would at once pay allegiance both to the principles of violence and non-violence

The Honourable Sir Alexander Muddiman I am one of those who would never make a good hermit I prefer more comfortable places of entertainment (Laughter)

Now, Sir, I will endeavour to address myself first of all to the somewhat general terms of the Resolution My Honourable friend Lala Duni Chand quotes from the Encyclopædia of the Laws of England to indicate what is the meaning of a political offence I have read his extract with great interest and I have also referred to the context and I found that the author went on to say that in law there is no distinction between political and other offences except possibly in English law in regard to seditious offences Any other offences the law makes the offence, it does not heed the motive It is perfectly true that in international law there are exceptions made for so called political offences but this is not so in

Municipal law The learned author of the book quoted went on to point out that in regard to the distinctions he had suggested, they were not legal but Parliamentary distinctions. What he means by Parliamentary I have some difficulty in determining. However, I am prepared for the purposes of this debate to accept the definition to which my friend refers. He, following his author, says the offences to which this definition applies are those directed against public order, treason, treason-felony, sedition or interference with the Executive or Legislature by an unlawful assembly intended to defy or overawe or to make riotous protests against the law.

Lala Duni Chand That is what your lawyer says.

The Honourable Sir Alexander Muddiman I am accepting your own definition. We will see what are the offences which are considered to be political offences.

Now the Indian Penal Code, as I think I am right in saying, does not regard motives but says this is an offence and that is an offence. Our criminal law has been very much admired, though it is not so universally popular in this House as it might be. The Indian Penal Code divides offences into various Chapters, and the main Chapter to which the definition of my Honourable friend refers is the Chapter of offences against the State. It begins by telling us what is waging war against the King, it goes on to define conspiracy to wage war, conspiracy in the collection of arms with the intention of waging war, and variously develops these offences till it arrives at the most criminal offence of all, namely, that of assaulting a Member of the Council of the Governor General. (Laughter) Then it goes on to deal with the law of sedition. In other words these are all offences against the State. It is a peculiar and notable fact that in debates in India offences against the State are regarded and treated as slighter and less dangerous than offences against individuals. There are many lawyers in this House. If we were not debating a subject of great political excitement, I have no doubt that I would have considerable support on the point that an offence against the State is the most dangerous of all offences. If I kill you because I do not like the shape of your face, or because I do not like the way you talk to me, or because you have injured me, that is a comparatively slight offence, but if I kill you because you are a servant of the Government and the killing is with the intention of subverting that Government, then that offence becomes most serious to the Government. I cannot expect that from those who wish to overthrow the Government there should be much sympathy with that view, but I put it forward that, whatever Government there may be, they cannot afford to look on offences against the State as lighter than other offences. If the State is disorganised or overthrown, it will be when the State fails to recognise that offences against itself are more and not less serious than offences committed for personal reasons. That is a point I wish to bring forward most strongly.

Then I will turn to the terms of the Resolution. It asks that all persons who have been convicted of any of the offences which I have specified, in which acts of violence have not been committed, should be forthwith released. Now, I have found very great difficulty in getting statistics dealing with this point. On the last occasion, when we had notice of a similar Resolution, the Honourable Member facilitated my

task by scheduling more or less the sections that he had in mind. That is fairly simple, we can call for those figures. But to obtain accurate figures in regard to crimes in which there is not an element of violence would require a perusal of the record of each case. It is not possible to get accurate figures on the point without that. That is one of my difficulties, and when I said the Resolution was nebulous, I had that point in view.

I would say one word on the amendment. It was moved by an Honourable gentleman, Mr. Goswami. Is he in the House? (*An Honourable Member* "No.") Well, I do not desire to do what he did this morning and I will therefore reserve my remarks till he returns. I will merely say that when I first saw his amendment, it seemed to me to hold promise of something rather different than transpired from his speech. It seemed to me that he put forward a point of definite restriction of the wideness of the Resolution, for the only point in his speech with which I did agree, was that the Resolution as it stands is rather muddled. I do agree with that and I think that is the only thing in his speech with which I do agree. I had thought he was moving on rather different lines and that he was putting forward a different and more easily comprehensible case, but he tells us this is not so. I always tell the House my views frankly and it seems to me that this is a Resolution that some Members of this House were almost bound to bring forward. They opposed me in the very salutary measure I brought forward (ironical laughter), they opposed me tooth and nail and they will oppose me tooth and nail in order to get the release of the men who are detained under it. That is human nature and I make no complaint on that point. However, I did hope the Honourable Member recognised that to go back and to attempt to release all these people is neither politic nor reasonable. I should have welcomed the amendment to that extent because it would have simplified my task and brought us to the real issue that most of you are concerned about. However, the Mover has decided, as appears from his speech, to support the whole thing—to go the whole hog—and ask that the Ghadr supporters should be released as also the martial law prisoners, and to demand that any of these prisoners of whatever kind who are still in jail however long back the date may go, should be released at once if they fall within clause (a). On that I have very little to say. There can hardly be any of the martial law prisoners I think now in jail who fall under that clause. It is difficult, without examining the records to say, but I believe there can be none in detention who would be covered by clause (a), and I think I am also correct in saying there can be none of the Ghadr conspiracy under clause (a). They were all men sentenced for the most serious offences and would probably fall under clause (b). But do not let the House make any mistake about it. It is not possible for me on notice of this kind to examine all cases. I do not know for certain, but I am assured by those who are in a position to know these matters better than I am that that is the case.

Well, then what the Resolution is really asking for is a general amnesty. Now what are the grounds for granting a general amnesty? The Honourable Member whose speech reproduced the remarks in this very useful pamphlet of Lala Duni Chand quoted Mr. Gladstone on the subject of the release of some Irish offenders. The point was also examined by my predecessor who with his usual clarity of thought and logical mind endeavoured to evolve tests, automatic tests, to decide when Government should indulge in the luxury—I call it a luxury advisedly—of a general amnesty. My Honourable predecessor evolved two tests. I am not

prepared myself to say that I entirely agree that these are the only two tests. One of the tests was that the state of affairs in the country should be such that some political object would be served by the release, and the other, if I recollect rightly, was that when a political movement had spent its force it was possible, if there was no danger to the public safety, to release prisoners generally. Now, the real debate, and I do not want to take up the time of the House unnecessarily, the real thing the House is interested in in this Resolution concerns two provinces. One is the Punjab, the other is Bengal. I do not think, looking at the paper before me, that the question arises in any other place (*An Honourable Member "Malabar"*). Unless it is intended to cover the case of the Moplah prisoners. If the forcible conversion of Hindus is a political aim, I am afraid I omitted that. As I have said, it is a matter for comment that a Resolution of this kind should have been moved by a Member of a province where there is not a single man either convicted as a political prisoner or detained for any political offence. There is one prisoner in Bihar, a Punjab prisoner, convicted in connection with the Ghadr conspiracy. It is fortunate that we should have the advantage of a speech in support of this motion from a Member who comes from a province, which is at any rate entirely unconcerned in this particular Resolution. I have no doubt it is an accident of the ballot, but I cannot pass it by entirely without comment (*An Honourable Member "He is an Indian after all"*). I agree Beharis are Indians.

Now, Sir, as I say, clause (a) of the original Resolution asks for the release of all political détenus whose trial in a court of law has not been held. I am now told that includes Moplah prisoners. I will give the House some very pertinent figures on this matter. I do not suppose it is intended to go beyond the Bengal terrorists and the Madras Moplah prisoners. In Madras there are confined under the Madras Regulation some 204 Moplahs in jail, beside some 36 persons otherwise restrained. These are all, practically all, I am informed, Moplahs concerned in forcible conversion. Now for myself I do not regard that as a political aim. I desire strongly to say that I should myself disavow any political party who put that forward as a political aim. (*Laughter*) I do not know whether the House will go so far as that with me. They are a little reluctant to go any way with me. As regards these prisoners I propose to be very brief. Should the House ask me to go on with it, I shall, but the case was thoroughly discussed in the Madras Council and all I propose to say is that the Member in charge, expressing the considered view of his Government, said the time was not ripe when these Moplahs could be released and live in peace and quietness with their fellow-subjects. That particular situation, therefore, does not satisfy either Mr Gladstone's or Sir Malcolm Hailey's or, as provisionally adopted by me, my first test. I dismiss them. The second class covered by clause (a) are the Bengal terrorists. These people, 17 of them, are confined under Regulation III of 1818, 51 are in jail under the Bengal Act, 67 are otherwise regulated, that is they have to live in their villages or are subject to other various restrictions. I have never pretended (and the House will bear me out in this) that I have ever liked this legislation. I do not like it now. But, on the other hand, do not think that I, as Home Member, or the Government of India have the least intention of sheltering ourselves behind the Local Government or anybody else in this matter. The policy that has been pursued has been pursued at the instance of the Government of Bengal in continual association with the Government of India,

and we are in close touch with them. There is no question of sheltering myself or the Government of India behind anything of the kind. I do not want to plead that the Act is an Act of the Local Government. It is perfectly true it is, but it is an Act that was made here, it was merely re-enacted there, and therefore we are absolutely as guilty, if you think so, as the Local Government, and I stand here, not in a sheet of repentance at all. To make it plain, my Government share the views of the Local Government. I do not recall what word exactly my Honourable friend opposite used about Governments in India. I do not know whether it is really used in Parliamentary language. I do not remember whether he said our Government was *Situmal* or *dammud*. At any rate it was pretty strong language. I can perfectly well understand that this House which refused to pass the Bill naturally disbelieves in the policy of the Bill and must therefore necessarily press us either to release the prisoners or bring them up for trial. That I can understand. I do not need to go over again the same ground. I explained my position when dealing with the law in the various debates in this House in one form or another, and those reasons remain as good now as they were then, or as bad as they were then. (Mr M. K. Acharya "Quite as bad.") Well, that may be your opinion; it is not my opinion, but I have one reason which is far beyond what I had then. One of the charges brought against the law was that it would be ineffective. Sir, that is not so. The legislation has been very effective. There has not been one outrage, and I stand here to affirm that instead of wasting men's lives I have saved lives, and the lives amongst them of some of those misguided men who are now under detention. (Applause.)

Pandit Shamlal Nehru How many outrages were committed before the Act?

The Honourable Sir Alexander Muddiman You do not want me to go into that. If you read my speeches before dealing with it you could get the information. I have no time to go into them now.

submit that the first suggestion would be an encroachment on the judiciary and the second would be an encroachment on the executive. The authority who can decide whether a person, at any rate a convicted person, can be safely released is the executive who are responsible for law and order. If anybody is willing to give facts about individual cases, we will look into them. Government have not acted harshly in the past, and I think I can appeal to certain Members of this House who are sitting here, certainly one of them who came to me with the case of a particular person. I had it looked into quite recently and the man was released. If there are any other cases brought to my notice, I will certainly look into them. But that we should indiscriminately release or even investigate the case of all those who are in jail, some of whom have been convicted for the most serious offences in the Indian Penal Code, is certainly a thing you cannot ask any Government to accede to. I looked into one of these cases curiously enough, because it was impossible for me to know about events many of which transpired long before I had any connection with the department of which I am now in charge. I asked for a case mentioned in the pamphlet. It was the case of a man who should not be released. It would be very wrong to release. What was the offence in that case? That man was sentenced to death originally. These cases were most carefully scrutinised and the House knows it in some cases, by His Excellency himself and this man at some period in his career had had his offence commuted to transportation. I went into the case, and I must confess—I was certainly rather surprised at the commutation. I should myself always take, if I possibly could, a favourable view, in a case where life is involved. But in this case the immediate result of this man's action was that twelve other men were executed, he had involved 12 other men in death. Now, I do not think that is a class of case that really can be again reviewed or considered. I recognise strong feelings as regards a class of these prisoners but in asking for review of these cases of violence the House will not do itself any good in the estimation of the world at large, and I think it should really consider that point of view.

Now, the third thing we are asked to do is to allow the return of the Indian exiles. When I took up my present post I was greatly interested to hear that there were any Indian exiles. I said "Let us hear something about them and let me see the papers." I went into the matter at considerable length. The Government of India had considered their policy and they had arrived at this policy. They decided, as I think rightly, and I think that this House will think rightly, that it is our business to consume our own smoke—that we are not entitled to require other nations to bear with those undesirables whom they do not wish to bear with, on the other hand, they have no right to inflict their undesirables on an unwilling India. That, I think, was a good and reasonable decision. And I said, "Why don't these men come back?" I was told "What they want is a safe conduct what they want is to be told that when they come back they will not be prosecuted." In other words there are a number of fugitives from justice who if they come back to India are in danger of the law,—one or two of them might undoubtedly be tried for their lives. I want to be perfectly straight about that. There are two ways of doing it. You can lure back a man and give him facilities to return or you can tell him quite frankly, "I will give you no safe conduct", and I ask the House if the second is not the right and proper course.

Pandit Shamlal Nehrū What about the others?

The Honourable Sir Alexander Muddiman There is nothing to prevent them from coming back except their own guilty conscience

Mr A Rangaswami Iyengar There are so many laws which can put them in jail without trial

The Honourable Sir Alexander Muddiman I am glad that my Honourable friend mentioned it. It is a very useful point. We have heard that certain Members do not believe in police, courts, judges, or indeed anything but in my Honourable friends themselves. What am I to do? You say if I prosecute a man, I shall bring false evidence against him. If I convict a man, my judge is corrupt, or at any rate he is prejudiced. What am I to do?

Mr M V Abhyankar Turn down the whole system

The Honourable Sir Alexander Muddiman. Every time there is this sort of debate I hear attacks upon the police. I have often said in this House, and I say it again, that the police have behaved with the greatest courage and discretion. (Loud Cheers) They have had a most difficult task. After all, in a big service like that, it is impossible to contend that nobody has committed faults. It is impossible for me to put forward that view and I do not put it forward. But I do put this forward that they have on the whole behaved with courage and discretion—mind you, the police are mainly Indian—both in war and in peace time. You abuse the C I D—men who have their lives in their hands. My Honourable friend behind me (Dr Hyder) has expressed his indifference to murders. If it is a question of my friend's murder or my murder I should be comparatively easy, but it is a question of the murder of men who are paid a very low wage for performing their difficult and hazardous duties which on the whole they perform very well.

The Honourable gentleman who comes from Bengal does not trust the police, the Court, the Chief Justice, the witnesses, nothing. I suppose in his judgment the only judgment is his own. But he is the "incorruptible" Robespierre of the Indian revolution.

Mr T. G. Goswami Judgment of the country

The Honourable Sir Alexander Muddiman Sir, is that the judgment of your own countrymen? I think you are doing India a very bad turn when you express these opinions about your own countrymen. I, an alien, have a far better opinion of them than you have.

Mr B Das He wants a trial

The Honourable Sir Alexander Muddiman Now, Sir, as regards (c), I have pointed out that we put no obstacle in the way of these men. I am not prepared to say that I will give these men facilities to return because if I give them facilities and bring the men back and then arrest them and try them for murder, that would be, to my mind, repugnant. I will give them no guarantee.

Pandit Shamlal Nehru Can you give the name of the two persons whom you said you want to hang?

Of course, as I say the nature of a revolutionary movement depends upon the means which that movement adopts to gain its objects and to achieve its aims. Here again there is nothing in the nature of the people of India which makes them distinguishable from the people of other countries. I have had the privilege of living in Great Britain and other Western countries and I do not see any reason why the people of this country should be considered to be more excitable and more inflammable than the people of other countries. In fact the complaint was that there were very few such people in this country. I do say that the people of India are by nature, by tradition, by their culture and by their history, so docile and so manageable and so easily subject to law that they ought to be given the credit for it instead of being discredited on that account. The existence of a revolutionary movement among them shows that there is something radically wrong in the system of Government which forces the people to have recourse to revolutionary methods in order to redress their grievances or to assert their rights. Now, Sir, on that point again we have for the last five years tried to create an atmosphere of non-violence in this country. There again I am perfectly certain that our non-violence may proceed from conviction or may not proceed from conviction, but it was certainly our definite opinion that, under the present circumstances of this country, any revolutionary movement depending upon force was not desirable but on the contrary definitely harmful. We have repeated this statement from hundreds of platforms. Yet, in spite of Government's trying to crush movement of violence, it has gone on in this country in some form or another for the last 25 years and it has not been exterminated. I say that no amount of rigour in the application of the law and no amount of rigour in the treatment of the prisoners will exterminate that revolutionary movement unless the causes which are at the bottom of that movement are removed and remedied. That must be understood distinctly. It may be that there is a temporary lull. My friend the Honourable the Home Member in dealing with the Bengal case pointed out that the Bengal Ordinance has been so effective that since its passing there has been no outrage. If so, for that reason alone the prisoners should under the Ordinance be immediately released. If that Ordinance has done its work and has been so effective that there has been no further outrage, then that is the most cogent reason for taking immediate action to release all those détenus who are detained under that Ordinance. But I may tell my Honourable friend that that should not give him any idea that revolutionary movements in this country will cease to exist or will be exterminated unless the real causes at the bottom of these revolutionary movements are removed. The main cause is that the people of this country are being denied their political rights from day to day, from month to month and from year to year. I must seek your permission to say that the battle for freedom is of course always going on in the world in some form or other. There will be no progress unless people are prepared to suffer. I can quite understand Government taking an opposite view. My friend just now read out the definition of political offences. I could also read the definition of political offences from other Encyclopædias which would show distinctly that in a political offence intent is of the greatest possible importance, at least in judging the nature of the offence, the punishment to be given to the political offender and the treatment to be accorded to him. These three things are essentials involved in any political case, not only the technical offence but also the punishment he has to receive and the treatment he has to receive after

conviction I could cite many other authorities if I were minded to do so affirming the contrary of what my friend has cited, that is that intent is of very great importance in a political crime. The fact is this that there is a clear distinction between countries which follow the British system and those which follow the Russian or the Austrian system. What we are asking the present Government to do is that, as they are Britishers they should follow the British system and the British tradition of freedom and not the Austrian or old Czarist system. I want to point out the difference. The wording of the law and the technicalities may be similar, but the application of the law in England and in India is very different. I do not think anybody can contend that England is free from revolutionary movements. At the present moment there is a revolutionary movement going on in England, but do the Government treat those engaged in the revolutionary movement exactly in the same way as they do the people here? Certainly not. There is a great deal of difference, because public opinion in that country will not stand what we in this country are standing. They are a free people. Even those people who do not agree with the revolutionaries and their views stand up in defence of liberty, of freedom of expression whenever any demand is made to suppress that freedom of expression. At the present moment the Labour Party which has no sympathy with Communists or with persons carrying on communistic propaganda (when an attempt was made to arrest the Communist leaders), tried its best to protest against such action by Government, and they assert that the public opinion of the country is with them, and I believe that to be true, because if there is one thing prominent in the British character it is the love of freedom of opinion and expression. Of course when it comes to freedom of action that might be regulated by the laws and, therefore, Government might have to take some proceedings when it comes to action. But so far as freedom of expression, of sentiment, of opinion is concerned, that is a principle which every Englishman drinks with his mother's milk, and therefore the British people are naturally opposed to the suppression of such freedom in their own country. But when they go abroad perhaps they find that Empires cannot be maintained on British traditions, and therefore for the maintenance of those Empires they have recourse to methods which are not British in character. What we are asking them is this, that if they are really appreciative of our connection with the British Empire, if they are really earnest in their demands for co-operation from us in the system of Government that prevails now, the test of that lies in carrying out the principles of British justice in the treatment of political offenders in this country. I think, therefore, it is in the fitness of things that every time the Government or the representatives of the Government ask us to make a generous response to a generous call for co-operation, a Resolution of this character ought to be brought forward in this Assembly to point out to the Government the difficulties which prevent us from extending the hand of co-operation. The facts relied on in this Resolution are of the nature of a skeleton in the cupboard and they require exhibition whenever there is a talk of unreserved co-operation. So long as our people are treated practically like dogs because they have had no trial, so long as important men, men of education and culture like Subhas Chandra Bose, are being treated in that way, Government cannot expect the Nationalist Party in this country to co-operate with them unreservedly. We are earnest, we are indulging in no camouflage when we say that we do not desire in this a revolutionary movement based on force. We do want an atmosphere in which it may

possible for us to co-operate with the Government to a greater extent than we have done in the past, but for the creation of that atmosphere it is absolutely necessary that the treatment of political prisoners or the treatment of political offences must differ from what it has been in the past. It must change materially and vitally. Unless it changes, I submit—of course I ascribe no motives—that all this talk of co-operation is mere diplomacy, and not a matter of real earnestness. We want a proof of the sincerity of the intentions of the Government by their acceding to our request in regard to these political prisoners and with regard to these evils. I can understand that the Government may not be able to accept the Resolution in its entirety. They may not be able to release all the political prisoners, but surely here is an opportunity which is offered to Government to show a real change of heart by acting as much in consultation with the representatives of public opinion as it is possible for them to do. I submit, Sir, that these people who have been detained without trial, who have been imprisoned without a charge, should be either immediately released or put upon their trial. This practice of issuing *lettres de cachet* is so un-British, that in this 20th century for any Government to justify this procedure, amounts to a confession that in spite of British rule for 150 or 200 years we have made no progress at all towards real freedom or towards a better understanding of human nature. I want to make it clear, Sir, that we are not pleading for mercy. We want no clemency, and we do not want any amnesty. We are by this Resolution pointing out to Government that here is an opportunity for them to show their sincerity. We are making our wishes known to the Government, and we are at the same time saying that here is a way for Government to give the easiest proof of their intention, of the sincerity of their call for co-operation from us. I want to make it definitely understood that we shall be insulting and dishonouring those people who are suffering for the sake of their conscience and are, as they think, doing their duty in jails or in those comfortable quarters which the Home Member would have us believe the prison cells are. We shall be insulting them if we ask for any mercy or clemency or amnesty on their behalf. We do not want any of these things. We are simply putting forward this Resolution in order to make our wishes and the wishes of this House known to the Government in the hope that the Government will consider them as the wishes of the representatives of the people. You have granted a certain constitution to this country of which you are proud. Under that constitution you have appointed certain constituencies. Those constituencies have elected us, and we, as the representatives of these constituencies which you admit are the best material at the present moment to reflect the sentiment of the country, express our opinion, and we ask you to act up to it. That is practically the reason, that is the mentality with which we have presented this Resolution and under which we are supporting this Resolution.

Now, Sir, I come to the second part of the Resolution which deals with persons convicted by judicial courts. Here again we do not want to sit in revision over judicial courts at all. That is not our wish. But, as I have pointed out already, in my own case the District Magistrate, the law officers of the Government and the Government themselves were of opinion that the meeting of the Provincial Congress Committee of the Punjab was a seditious meeting. They declared it such and asked us to disperse. We refused and we were prosecuted. The result was that the whole of that conviction had to be set aside because the law officers of the Government of India declared that the interpretation of the law

made by the Punjab Government was entirely wrong. But this Government which want to follow British traditions had had absolutely no word of regret to say to those persons of respectable position who had suffered in prison for an offence which did not exist, and which they had not committed. They have not anywhere expressed their regret for that error of judgment. It was an error of judgment which involved people in disgrace, in discomfort and in expense and loss to a very great extent, yet the Government had not a single word of regret for it. We are in this country unfortunately getting very much accustomed to such errors of judgment. We want the Government to understand that we are no longer children. Perhaps we were not children at any stage but we heretofore had no voice to speak out. We have got that voice now and so long as we have got that voice we shall speak out and nobody can stop us from speaking out. We are now asserting that, if this Government continue to commit violence in that way by these errors of judgment, then of course they can only expect the younger people of this country to resort to revolutionary measures. The Government cannot come back to us and say that these people are adopting revolutionary measures and therefore they have to be shut up in jails for their life. When will the Government be convinced that the atmosphere has changed? I should like to say one word more on the question of amnesty. I decline to believe that amnesties are granted out of mercy. Amnesties are always granted for political considerations. When the Government believe that it is in their interest to create a better atmosphere, and to win over people, they grant an amnesty. When they see that the people are so dead that they cannot bring any pressure to bear on the Government and cannot make it unpleasant for them, they do not grant any amnesty. So, amnesties are not granted out of mercy or out of considerations or clemency, but they are really granted on political considerations. No Government can really afford to exercise mercy. Governments are not for the purpose of exercising mercy. They act in their own interests and on considerations of political expediency. So, Sir, in the case of judicial convictions also we ask for no revision of these convictions. We ask for no revision of the sentence as well. We simply say that there have been cases in times of excitement and strife like the martial law administration of the Punjab or the non-co-operation or the Akali movements when certain judgments were passed in a hurry. Certain sentences might have been considered as too

in allowing these people to come here and afterwards putting them on their trial. But when you make it absolutely impossible for them to come by refusing them passports and then get up and say there are no political exiles so far as the law of India is concerned, then I think you are not putting the situation fairly.

Now in my case I would point out that I was not expelled by this Government, but when my passport was refused and I could not come back to India, I had to go into exile. I met two young men in Constantinople, two Muhammadan boys, not more than 20 or 21 years of age, who went out of this country in the time of the Hijrat movement.

The Honourable Sir Alexander Muddiman: Boys of 50 did you say?

Lala Lajpat Rai: Boys of 20 or 21. I call them boys because they were so young. I met them in Constantinople and they complained to me that they were in very great distress in that country because they could not find any employment and had no means of livelihood. I advised them to apply for passports. They applied to the Consul General there but the passports were not granted. I asked one of them to give me his application and I submitted it to the Labour Secretary of State. From that time about a year ago, nothing has been heard by that man or by me about his case.

Mr President: Order order. I hope the Honourable Member will now bring his remarks to a close.

The Honourable Sir Alexander Muddiman: May I ask the Honourable Member one question? If he will bring that case to my notice I will have it inquired into.

Lala Lajpat Rai: Thank you. I was just giving that as an illustration. I will not take long. There are other cases also but I will not now refer to them. There are Indians in Japan, in Germany, in America and in other countries who are in very great distress. Of course, there may be some whom the Government do not want here, others perhaps less offensive, others not offensive at all. If they ask for passports it is only fair that passports should be given to them even on the understanding that Government do not give them any guarantee that they will not be prosecuted. I submit, Sir, that sometimes young men are carried away by a sense of duty, or by an exaggerated sense of the righteousness of their cause, and they do things of which they afterwards repent. They ought to be given a chance of restarting life and making their existence as possible as they can. Their relatives here are wanting them and are suffering from their absence and they themselves are suffering. Some are prepared to take the risk of trial. Why not give them the chance of coming here and having their fate decided by the courts? Perhaps Government may decide not to prosecute them as they did not in the case in Bengal of a Bengali who returned recently from Germany. At any rate these exiles should be treated much more leniently in the matter of passports than they are now. I have much more to say, Sir, but as my time is up I will not detain the House any longer.

Sir Willoughby Carey (Bengal European): Sir, may I be allowed to make a few remarks regarding the incident which occurred during my unavoidable absence this morning. I had not the privilege of hearing what my Honourable friend said but from what I have been told it would appear that he has been giving what I may perhaps call rather too much attention

to half statements which have been given currency to in the press, at least in some sections of the press. Except for the fact that it has been sought to make these half statements the basis for a propaganda I should not have thought it necessary now, as I have not up to the present, to make any remarks about them, because anybody who has known for the past five years my political work would not accuse me of either the attitude or the actions sought to be attributed to me by these remarks. I do not think that those Members of this House who know me either would seek to do so.

Well, Sir, I have only to say that our cold weather visitors have undoubtedly suffered under a misunderstanding of what has passed, owing possibly to a lack of knowledge of the situation and conditions in Calcutta. In fact the whole incident is the outcome of misunderstanding on their part and possibly of misrepresentation on the part of others. As regards the special instance which has been made much of with regard to the meeting which I did not attend, I stated quite freely in advance that only under certain conditions would I attend, or should I attend, and those conditions could not be fulfilled, and that was my only reason for not going. I beg to thank you for this opportunity.

Mr M V Abhyankar (Nagpur Division Non-Muhammadan) Sir, it is with the utmost regret that I stand to support this Resolution, ("*A Voice*, "Regret") yes, Sir, regret, because it seems we have not yet passed the stage when our only remedy for our grievances is to pass such Resolutions which will be thrown into the waste-paper baskets by the Government. It is time that instead of passing such Resolutions we should be able to embark on a programme of resistance and say to the Government "This or that, choose what you would like!" The Honourable the Home Member, Sir, referred to peace and order. The Honourable the Home Member said that all these people were sent to jail to maintain peace, to maintain order, to protect the lives of citizens. What kind of peace was it that he wanted to maintain?

Mr T C Goswami The peace of the grave!

Mr M V Abhyankar The peace that has ended all peace in this country. Is it that peace? Is it the peace of the graveyard that he wants in this country, and if he wants that peace I must tell him the time is coming when it shall not be so. He wants to maintain order. What is that order? Order which is the embodiment of all disorder? Order means your orders, that we should subject ourselves to your tyranny, that we should obey your commands, that we should throw away our freedom at your feet, that we should allow you to be masters in this land and ourselves slaves here in our own homes. That is the order you want to maintain and it is to maintain that order that you are sending our people to jail. Well let me tell the Honourable the Home Member that it is time that that kind of order shall not be maintained in this country. However he and his mighty Government may try to maintain it. I am not appealing to his sense of justice because I know he has none, I am not appealing to his sense of fair play because I am positive he has not an atom of it. I am not appealing to his Britishness, if I may say so, because I know it is not un-British the way they are behaving towards us. Do you not know that they have been behaving like this with us for the last one hundred and fifty years and that it is too late in the day for you to say that it is un-British? It is not un-British, it is fully British. Might is right. That is the principle with which the world was born and that is the principle with

which the world will end Justice Fauplay This is all idle talk, these are all shibboleths, these are all frauds, the use of these words, I mean Then Sir, it has been said in opposition to this Resolution by the Honourable the Home Member that people who used violence, it is they that this Resolution in the second part of it sought to release But who began violence in this country? The people or the Government? You began violence in this country, and it does not lie in your mouth to-day to say that you will not have violence Why did you not have representative Government in this country? You are carrying on the Government of this country from minute to minute by pure violence, is it not? By your military and your police, or are you carrying it on, by the good grace of the people and by the wishes of the people? I want your answer You are a member of an irresponsible executive that is executing us every day

Colonel Sir Henry Stanyon May I rise to a point of order? Ought not the Honourable Member to address these moderate remarks to the Chair and not directly to the Member?

Mr President The Honourable Member's point has some force, and I hope the Honourable Member from Nagpur will bear it in mind

Mr M V Abhyankar I will, Sir, and I am glad the Honourable and gallant Member has come to the rescue of the Home Member

The Honourable Sir Alexander Muddiman Not at all I thoroughly enjoy it (Laughter)

Mr M V Abhyankar There, he has given the gallant Member the slip, it is not good to protect one who does not want protection Who has begun that violence? You began the violence Give up your violence It is the Government of this country which ought to give up violence It is they who have begun it and it is time they should stop it

The Honourable the Home Member said that even in free countries an offence against the State was considered a very great crime but that people in this country considered it a very light thing and I would say very rightly so Nobody has the right in a free country to commit an offence against the State because there by getting a majority of the people on his side one gets what he wants and may do what he likes It is not so here We may have the whole nation on our side and yet we cannot get what we want Well, that is the difference, and that is why an offence against the State ought to be considered in this country and is in fact considered a lighter thing than it would be in a free country

The Honourable the Home Member said that the law did not recognise distinction between political crime and non-political crime Does he not know that a great English lawyer has said that the law was an ass?

The Honourable Sir Alexander Muddiman I am glad to have the Honourable Member's confirmation

Mr M V Abhyankar And it is the greatest ass, let me tell him And what is law after all? Law is a creature of justice (Hear, hear), law has to serve justice, it has to subserve justice It is justice that ought to predominate Laws can be made and unmade, but justice remains the same, you must remember that

Then, Sir, the Honourable the Home Member in one breath said that the law did not recognise distinction between political and non-political

crime and in another breath he himself recognised that distinction when he asked whether the Moplas were guided by political motives. He was blowing hot and cold in the same breath. If the law does not recognise it, you recognise it at least, and this is what the Resolution wants.

Then, Sir, I should like to tell the Honourable the Home Member that I do not want him to indulge in the luxury as he called it, of an amnesty. What grounds were there, he asked, for the exercise of amnesty. Well, let me tell the Honourable the Home Member, through you, Sir, that whatever our grounds for the exercise of amnesty they are far more real and stronger than his grounds for this bad Government, for this barbarous Government. Our grounds for asking for an amnesty are your barbarous Government, your military Government, your uncivilised Government. These are the grounds for granting an amnesty. No new grounds need be given.

Then, Sir, the Honourable the Home Member said that by letting out the political prisoners he did not want any more lives of men to be wasted, thereby meaning the lives of the police and the C I D. Yes, you do not want to waste their lives. I know their lives are very precious to you, because you can have those people at your command to pitch them against us and you use them to waste our lives. But on our side let me tell you that we do not want you to waste our lives also. So many noble souls are rotting in the jails. It is all very well for us to be here and to talk. They did not talk, they acted, they have suffered and they are suffering. Let me tell those in this House, I mean those who call themselves Liberals or Moderates, sycophants or others, let me tell them that they owe their position to-day to the man who is in jail. If they are given higher posts, if they are given jobs, it is due to the agitation of that man. Government have thrown certain crumbs to them so that they may act as a palliative and divert the nation from the main agitation. If an Indian is appointed a High Court Judge or if he is appointed an Executive Councillor, it is because of the man who threw the bomb in the streets of Calcutta. (Laughter) I do think so, it is no good the Government Members laughing. It is because that man threw the bomb that Government wanted to use palliatives. I want the Government to use curatives and remove the cause if they want to stamp out the disease. We do not want violence, let me tell the Government quite frankly. Let me assure the Government at least on behalf of myself that I am the most peace loving man. (Laughter) They will find me as docile as a lamb. (Laughter), unless they commit treason against the laws of God when the Almighty, to Whom nothing is impossible, will make a lion out of a sheep. They must not forget that. I want them to take this Resolution as a warning. A warning for what? It is a warning to them to mend their ways. If they will mend them in time there will be true friendship between us very soon. I hope so. In the end I will say only one thing, and through you, Sir, I will tell the Honourable the Home Member one thing. Remember, there is the beast, there is the man and there is the God in every human being. If you act beastly with us, the beast in us will jump out, if you act manly with us, the man in us will come out and meet you, and if you act godly with us, the God within us will respond and merge in the God in you because there cannot be more than one God. (Applause)

Mr M. A. Jinnah Sir, after the eloquent speech of the Honourable Member who spoke last I want to get back to the humdrum of the debate and confine myself more to the terms of the Resolution and the amendment.

which are before the House Sir, so far as clause (a) of the Resolution is concerned, the Honourable the Home Member speaking on behalf of the Government said that it can only be dealt with on the ground of a general amnesty.

The other ground which, of course, he naturally did not like to mention, but which is present at any rate in my mind is—and I hope he will agree with me—mercy. I am not going to stand on the floor of this House and preach to the Honourable the Home Member to do his duty on the plea of mercy. It is the prerogative of the Government, as he very rightly described it, and with that prerogative is imposed a duty and an obligation upon the Government, which is equally sacred, that if they find a case or cases where clemency or mercy should be exercised, it should come spontaneously from them. I am not going to encroach upon the function of the Government which is expressly provided for in the Criminal Procedure Code. Dealing with the ground of a general amnesty, I do not know when the Honourable Member will decide that the time has come for a general amnesty. He gave us no indication whatsoever. But reading the signs and having listened to some of his answers to questions during the last few days and also the recent eloquent speech of the Governor General to which he referred it seems to me that the time for a general amnesty will only come when Pandit Motilal Nehru will go to the Viceregal Lodge. (Laughter) If the Honourable the Home Member is going to wait for that he is welcome to wait. I cannot induce him nor can I take him to Viceregal Lodge, although I am willing to go and have been there and Sir, you have been there recently more often than I. (Laughter) If that is the only term then I say I cannot comply with it. I cannot possibly stand in this House and comply with the one and only clear and precise condition which has been laid down so often, so repeatedly, so determinedly and so affirmatively. I cannot comply with it, beyond saying that the country has given sufficient proofs to expect the next move from the Government.

Government how long they are still going to keep them in prison without bringing them to trial. An indication was given by Colonel Crawford—I do not know whether the Honourable the Home Member endorses those reasons but I do not gather that from the speech of the Honourable the Home Member. The indication was this, that "If we bring evidence now, there are conspiracies which will come to know and they are not yet broken and until we break those organisations completely we are not going to bring these people to trial and therefore they must rot in jail." Sir, I think there is some limitation to this plea. This is the ground which was given to us more than a year ago. This is the reason which was urged throughout last year and this is the same reason given to us here in this House now why they cannot do it. I ask the Honourable the Home Member, is this fair and just to these men who have been locked up without trial for more than a year? Therefore, I hope that this House will, I cannot say unanimously because Honourable Members are looking at me doubting me on the other side,—but I hope this House will carry that part of the amendment by an overwhelming majority and I appeal to my European friends that it is time for them now to come forward and say that these men should no longer rot in jail without trial.

The next part of the amendment is this to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries who may have been suspected of being concerned in any revolutionary or other activities regarded by Government as prejudicial to the interests of India. I listened to the speech of the Honourable the Home Member on this point with very great attention and very great interest. He made it clear that Government will put no obstacles in the way of these exiles if they wish to return to India. At the same time he very frankly said that that will not give them any immunity from taking the consequences of the law in this country, if they had broken any law. I can quite understand if the Honourable Member said this—that there are certain men who are exiles, whom, if they come here, we are going to prosecute or against whom we shall take such steps as the law permits us to take and there are certain other men who will not be proceeded against if they came to India. Now, what is the good of saying this—that we will put no difficulties in the way of these men if they come back? You know perfectly well that almost every one of them without exception could be brought under some law or other and convicted of some offence or other. I want to test the *bona fides* of the proposal which you are making.

The Honourable Sir Alexander Muddiman Is the Honourable Member entitled to challenge the *bona fides* of my proposal?

Mr M A Jinnah I do not mean that the Honourable Member is not honest in what he says. What does it amount to when you say that the Government are not going to put any obstacles in the way of these exiles? I venture to say that almost every one of them could be prosecuted under some section or other and convicted. Perhaps I used a wrong expression when I used the phrase "*bona fides*." I did not mean to attribute anything. I want to give the House my own personal knowledge of some of these exiles. I happened to be in Berlin and I met several of them deliberately and I had long discussions with them. You know as well as we do that every one of them was helping Germany in the war. It is a fact. Now what is the position? Each one of them came to see me individually. It was not a preconceived idea

at all In the course of conversation I asked every one of them what they thought now, and I got an answer from every one of them that they had made the greatest blunder of their lives No, Sir, I was not in authority I was satisfied that they were stating to me their real convictions They said, "We have learned that by associating ourselves with any foreign Government or any foreign power we are not likely to get freedom for India" They are living there now and they would like to come back to India And let me tell you that speaking on behalf of these 10 or 12 men I say they are willing to give you an undertaking and make a solemn declaration that they will never associate themselves with any foreign Government or any foreign people in future in order to work for the good of India as they have now been convinced that those methods will not help the cause of the freedom of India They are willing to give you a declaration, and an undertaking, and I was satisfied personally that they honestly believe that they have made a great mistake It is not, Sir, that they are starving They are not starving Many of them are getting on fairly well in their various vocations They do not therefore want to come here because they cannot get on or earn their livelihood there They naturally want to come back to their own country and they are willing further to give you an undertaking that they will not engage themselves in any political propaganda in India which is unconstitutional or violent or non-peaceful Now, I ask the Honourable the Home Member, does he want any more conditions? If not, then what is the good of saying "I will put no difficulties in your way", when they know perfectly well that as soon as they land here you will prosecute them, and you say so

The Honourable Sir Alexander Muddiman I am sorry to interrupt the Honourable Member, but to shorten the debate, I must point out that several men have returned and I have not prosecuted them

Mr M A Jinnah I welcome the news That is exactly what I have been urging upon the Honourable the Home Member And if I might respectfully put the suggestions before the Honourable the Home Member, he should entertain the applications of these men as he thinks proper and let such of them return I have got my eye also on Japan as much as the Honourable Member has I appreciate that, but let the applications be welcomed by you and when you find that you have got a man with whom you are satisfied give him a chance and start and give him the safety in this country which is after all his mother country, to which he longs to come back

Now, the next point I have to deal with is to bring to trial under the ordinary law of the land such persons against whom Government think that they have sufficient evidence to go to court Sir, this amendment coming from my friend Mr Goswami gives me special pleasure—I mean this part of it I congratulate him and I want to make it quite clear that the implication of this part of the amendment is this, that we do not wish that any crime or any offence should go unpunished, even a political offence, which the Honourable Member sitting there on behalf of the Government calls graver than any other offence, while the Honourable Member on this side would consider that other offences are graver than political offences I am not going to dispute one or the other, nor do I wish to decide the point here I would for the present rest content with saying that an offence is an offence in the eye of the law And certainly even my friend, Lala

Lajpat Rai, made it clear that he, speaking on behalf of the very large section that he represents here, says " We condemn violence, we have condemned violence, and in spite of that, crimes have been committed ", and there may be certain revolutionary organizations in the country, and they require to be dealt with. Has anyone on this side of the House or on my side ever suggested that these revolutionary movements should not be put down? Has anyone suggested that those people who have committed offences against the State should not be tried and convicted? At least I have not. I never have and I repeat here again no offence against the State can be condoned, it must be vigorously prosecuted, and the men must be prosecuted, but for God's sake send them up for trial and do not let them rot in jail without trial, as you have done in the case of some 140 men, the figures given by the Honourable the Home Member, for more than a year and a quarter now, and we ask you therefore to bring them to trial and get them convicted, if you can, and the sooner you adopt this policy the more readily you will get support and response not only from the Members of this House but from the country at large.

Sir Darcy Lindsay (Bengal European) Sir, I do not propose at this late hour to weary the House by joining in a general discussion on either the Resolution or the amendment, but I wish to make a reference to what fell from my Honourable friend Mr Goswami this morning in connection with the matter in Bengal. I understood his implication to be that the Bengal Government took into their confidence the European community of Bengal before the promulgation of the Ordinance. I believe the accusation was that there is a liaison between Government and the European community, and that they form a clique. The Honourable the Home Member has clearly stated that such is not a fact and this I most emphatically confirm. It is easy enough for my young friend, Mr Goswami, to make wild statements of this nature, but from our point of view they are most harmful, and that is why I wish to draw particular attention to the subject. But even for the sake of argument that it were true that the English community of Bengal were consulted by the Government, they would unflinchingly have done their duty in supporting Government in any action that they thought imperative to take in the cause of law and order, which as much concerns the Europeans as it does the Indian community. In my humble opinion we all of us in this House desire to see law and order maintained and I am proud to think that we will always give our full support to Government in this. We do not like to see men detained in prison without trial and I am at one with my Honourable friend, Mr Jinnah in his appeal to the Government that if it is possible to bring those men to trial they will do so. I regret, and I believe my group will be unable to support him in his request that we should vote with his side of the House in favour of the amendment, but I do again wish to express the view that we are all in favour of clemency if it is possible to exercise the same. I would like to say to the House that in our Home Member we have a man of tender heart, and if he can do anything to carry out any part of the amendment, I am sure he will gladly do so.

An Honourable Member I move that the question may now be put

The Honourable Sir Alexander Muddiman Sir, the House is evidently tired of the debate and the hour is late. I will therefore not trouble the House with any long observations but there are one or two matters which I must notice. I heard my Honourable friend Mr Jinnah's speech on the

greatest interest, as I always do. He appeals to me not only by his matter, but by his manner. He states his case clearly, impartially, and is generally therefore all the more difficult to meet because as this House is well aware, cases lose nothing by being stated moderately and impartially. He made an appeal to me to consider the amendment, which, though it emanates from another Party, and is possibly moved with another motive, he apparently is going to support. I trust he will not do so at any rate in its entirety. The first proposition that I have to deal with is that it was alleged that as I have said these repressive measures taken in Bengal had been effective, the time had come for their discontinuance. Sir, I admit and I still maintain that these measures have been effective in a remarkable degree, but it could not have been expected that they would be entirely successful in a year. Those who follow the papers and have some regard for the evidence of courts cannot be unaware that within the last fortnight or three weeks a court has come to a finding on two very important cases, of which as they are going on appeal I will say nothing beyond the fact that they do prove that that court at any rate was convinced of the existence of the usual bomb-factory, the usual arm business that we have heard so much of. Therefore it is not correct to say that the measure has been entirely effective. But I do maintain that, had we not taken these measures, we should not have been able on those two occasions to have brought these unfortunate men to trial. We have restored that element of confidence which is essential in all law-abiding countries, that the law again can protect men from lawless attacks. We have restored that. I myself have been in Bengal, in Calcutta for a good portion of this cold weather and I have had opportunities of feeling the very different atmosphere that has arisen there. I hope that atmosphere will continue to improve. When it does, no one will be more willing than I am to deal with this question in the way which would meet with the full approval of my Honourable friend. But it must not be thought that even now we maintain an iron attitude. We do not. It is our object and our considered policy, which was settled and agreed on with the Government of Bengal, that, wherever it is possible to mitigate or remove all restriction, it should be done, and the proof of our real intentions is the fact that a large number of these men are not in jail. We hope to be able to have an amnesty not in the sense that all will ever be released at one time but we do hope, as things improve that the restrictions may be either entirely removed or that they may grow less and less as time goes on. That is the first point I have to make on that.

On the second point I have been perfectly frank with the House and so has my Honourable friend been with me, but I do not quite appreciate the point. However I understand him to say "You will not grant these people passports or you prevent them from getting passports."

Mr M A Jinnah Sir I never said that the Government prevent them from getting passports.

The Honourable Sir Alexander Muddiman The point was that we do not want to put obstructions in the way of their return. What we are asked for has not merely been assistance in the way of passports it has really been for a certificate of indemnity. My Honourable friend with his usual fairness recognises that there are men and he named one—I could name another—whom if he came to India I have no hesitation in saying I would put on his trial for his life at once. There are other men he referred to who in greater or less degree have linked themselves with

the enemy during the War and who as he now tells us from his personal experience are sorry they backed a losing horse. They may be sorry. I am ready to give the utmost importance to his opinion that they are really reformed characters. The House cannot lay down nor can I lay down any general rule as to the way individual cases can be treated. Neither can I in this House stand up and say "So and so can come to India without fear of being prosecuted." But I do say that any case which is brought to my notice will receive careful attention. The past record of the man will be looked up, how far he is really dangerous will be considered and how far we have reason to believe that he has been the victim of circumstances. That I think is a very fair reply to my Honourable friend and I hope he will take it. The only other point is that he does support the position that offences against the State must be treated in the same way as other offences. He recognises as a lawyer must do and as I do that an offence is an offence. That of course is not the position that has been taken in other quarters of the House, and therefore on this head at any rate he has every reason to vote with me.

It has been maintained in other quarters that State offences are something trivial and indeed one gentleman, who is not here, was good enough to address some of his remarks very directly to me, went so far as to say that I was calling out the beast and not the God in man by my attitude towards these offences. Sir, I desire always to appeal to the God and not to the beast, and I now desire very much to raise a *deus ex machina* who will persuade the House to vote against this amendment.

Mr President The original question was

"That the following Resolution be adopted, namely

'This Assembly recommends to the Governor General in Council that he be pleased

- (a) to order the unconditional release of all such convicted or under trial political prisoners in Indian jails as have not been held guilty or charged with any act of violence and all political détenus whose trial in a court of law is not contemplated,
- (b) to order the release of all other political prisoners convicted or under trial, provided that a committee consisting of two members elected by the Legislative Assembly and two members nominated by the Government recommend their release, and
- (c) to allow the return to their homes of all Indian exiles in foreign countries who are supposed to have been concerned in revolutionary movements in order to secure freedom for India on such reasonable and honourable terms as the Government may think fit to impose."

Since which the following amendment has been moved

"That for the original Resolution the following be substituted, namely

'That this Assembly recommends to the Governor General in Council that he be pleased

- (a) forthwith to secure the immediate release of all political prisoners detained without trial,
- (b) to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries who may be or may have been suspected of being concerned in any revolutionary or other activities regarded by Government as prejudicial to the interests of India,
- (c) to bring to trial under the ordinary law of the land such persons against whom Government think that they have sufficient evidence to go to Court."

The question I have to put is that the original Resolution be adopted

The motion was negatived by 46 votes against 40

The amendment was adopted by 53 votes against 45

9th February, 1926

RESOLUTION *RE* THE BURMA EXPULSION OF OFFENDERS ACT, 1925

Mr. Amar Nath Dutt (Burdwan Division Non Muhammadan Rural)
 Sir, the Resolution which I beg to move for the acceptance of this House runs as follows

"This Assembly recommends to the Governor General in Council that the Government do immediately move the Secretary of State to disallow the Burma Expulsion of Offenders Act, 1925, or, in the alternative, to take immediate steps to introduce a Bill in the Indian Legislature to repeal the said Act"

This Act which was passed on the 28th September, 1925, by the Burma Legislative Council and has received the assent of the Governor General in Council has been aptly described as the Black Act, a thing which has come more in evidence in these days than heretofore. A cursory glance at the few sections of the enactment will convince every one that the description of Black Act is not only appropriate but very mild. The Preamble of the Act begins with the usual words "Whereas it is expedient" without mentioning how and why it is expedient except the very meagre Statement of Objects and Reasons to the effect that the Crime Enquiry Committee of 1923 recommended a measure like this and that Burma should not be allowed to remain the happy hunting ground of criminals from all parts of the British Empire. If the Honourable the Home Member of the Burma Government has not thought fit to state more than what is in the Statement of Objects and Reasons we have nothing to complain of, for we, unfortunate Indians, know to our cost that expediency in the bureaucratic dictionary means that which prolongs the life of foreign domination and foreign exploitation. If I am correct in my meaning then certainly it is expedient, as the enactment will perpetuate Burma's subjection to foreign domination by creating bad blood between the Indians and Burmans, and leave the doors of foreign exploitation wide open.

The Bill provides that persons convicted of most trivial offences may be deported from the country provided they are non-Burmans. Consequently there has been a good deal of bitter feeling against the Act throughout the length and breadth of the country. The definition of the word "non-Burman" speaks of domicile, but the Act does not provide how to acquire a domicile in Burma. As the definition stands, the word "non-Burman" applies to Indians even if they have resided in the country for generations and have occasionally come to India, as a sort of pilgrimage, to the land of their ancestors. The "Soorties", as people who emigrated from Surat are called in Burma, is an instance in point. As for other people who come within the purview of the definition of the word "non-Burmans", there is a vast body of Indian clerks who were brought by the Government themselves to Burma and the Indian merchant and Indian labourer who went there at the instance of the Government and who helped them a good deal in the growth and making of modern Burma.

Sir, it is said that the object of the Bill is to prevent crimes. If it is really so, what justification is there for applying the Act to non-Burmans only? I would request this House to keep in view the meaning of the word "non-Burman" which is an euphemistic expression for "Indian". I ask the Government, do the General Administration Reports of the-

Province prove that the only criminal in the country is of Indian origin, or at least a majority of them? Their own police and jail reports will belie such a hypothesis

Then, again, it may be said that Burma is the home of the Burmans and they can not be deported. May I inquire, have not many of the Indians, who may be dealt with under the Act, made Burma their home and have as much stake in the country as any Burman? If you but tell us frankly that we Indians are not wanted there, that Indian labour is a menace to the progress of the country, I would ask you to consider the case of settlers from Chittagong and Noakhali in Akyab who carry on agricultural pursuits, and have contributed greatly in making Burma a vast rice-producing country. Then, there are the traders from various parts of India, on whom the Act will have a disastrous effect even if they are not expelled. A man has simply to trump up a false case against his rival in business and he will be a ruined man in no time. For as soon as a criminal case is instituted, although it may eventually end in his acquittal or non-expulsion, his creditors will at once swarm round him to get back their money, fearing that he might be expelled just as it happens in the case of a bank which must fail because the depositors have all made a rush to withdraw their deposits on rumour (no matter however baseless) of the Bank's impending failure. When I say this, I am not drawing from imagination but speaking from experience of what actually happened in the case of the Central Bank. The same thing can happen to any Indian merchant in Burma. As far as cases of this kind are concerned, the question is, what would be the consequence to the persons who are likely to be the victims of such prosecutions? Sir, real statesmanship lies in preventing such a catastrophe to a man, be he a Burman or a non-Burman. The Act affects the Indian community in Burma but will

Empire should it be allowed to legislate against the people who form part and parcel of the same empire?

Sir, I believe that the law has been enacted for purposes which indicate political cunning and not political wisdom. For sometime past, the Indians in Burma have been an eyesore to the Government for various reasons and feelings of jealousy and hatred have been attempted to be roused between Indians and Burmans in Burma by various means, and the cry has been raised "Burma for the Burmans". It is said that the Government of India treat Burma as the Cinderella province of the British Indian Empire. If the Burmans really feel like that, how much more cause have the Indians in Burma to feel like that at the treatment that is being meted out to them in the Province? The present policy of the Burma Government is to exclude Indians from all services even at the sacrifice of public interests to gratify its dislike of Indians. I do not much care for the services, but what I want to assert is the right of the Indians to live in the province on a footing of complete equality without restrictions and the badge of inferiority. Will the Government of India set their seal of approval to this reprehensible legislation and thus lay itself open to the charge of want of political sagacity and statesmanship? Considering that the Government of India have been exerting every effort in their power to obtain fair and equitable treatment for Indians in the Colonies and the Dominions, I hope the Government of India will try to prevent this colossal impudence of the Government of Burma. If the Government of Burma wants to expel the Indians from Burma let it clearly lay down its policy, instead of resorting to such camouflage and underhand dealings. We shall then know where we are. I assert that the Government of India are bound to safeguard the interests of all communities and to preserve their rights in the province of Burma and to give them a complete security on a footing of complete equality, in the same manner and to the same extent as Indians residing in the provinces of Bengal, Madras or Bombay or any other province in British India. The attempt to find an analogy to this extraordinary piece of legislation in the Bengal Goonda Act will not bear a moment's scrutiny, for that Act does not make any discrimination about race or colour and is directed against the activities of a certain class of criminals whose ways and habits make them a danger and a standing menace to civilised society. But, Sir, the non-Burman Offenders Expulsion Act brings all Indians within its clutches and places them in constant terror of penal law and of expulsion, so much so that Indians feel that life is unbearable and not worth living in Burma. If you look at the two Schedules of the Act, for which a non-Burman can be expelled from Burma for offences mentioned therein, you will find that very few sections of the Indian Penal Code have been left out. Then again, as you all know, false cases are not rare and can be got up easily by the Executive with the help of an unscrupulous police and may lead to conviction. From my own experience of nearly a quarter of a century at the Bar, I have come across several cases in which innocent persons have been convicted. The Act places powers in the hands of the Executive to such an extent that it will kill all political life in Burma, for it is a matter of common knowledge that public men are liable to be hauled up before courts of law in this country under various provisions of the criminal law, if they happen to incur the displeasure of the all powerful executive. The Act places very great powers in the hands of the magistrates without any right of appeal against the orders of expulsion.

Mr H Tonkinson (Home Department, Nominated Official) Sir, as a point of fact I should like to say that the Act does provide for

Mr President (to Mr Amar Nath Dutt) Will the Honourable Member resume his seat?

Mr H Tonkinson I only wish to correct a mistake which the Honourable Member has made in stating that the Act does not provide for a right of appeal. The Act does provide for a right of appeal.

Sir Hari Singh Gour (Central Provinces Hindi Divisions Non-Muhammadan) Does the Act provide for a right of appeal against an order of expulsion?

Mr Amar Nath Dutt I was going to say that no right of appeal has been given to the people who are convicted under the Act.

Sir Hari Singh Gour There is no appeal at all against an order of expulsion.

Mr Amar Nath Dutt I am going to say that The Act places great powers in the hands of the Magistrates without any right of appeal—I do assert it again—against the orders of expulsion, for the only right of appeal that has been given under sub-section (4) of section 4 is on the question whether the offender is or is not an offender within the meaning of the Act. But no appeal lies as to the propriety or otherwise of the order of expulsion. That is my point.

Sir Hari Singh Gour As to the desirability of expulsion.

Mr Amar Nath Dutt When a man is convicted, does it require any great intelligence to discover whether he is an offender as defined under the Act? For the word "offender" has been defined as any person against whom any sentence or order of the nature mentioned in the definition has been passed, so that when a man is convicted, you have only to see whether he has been convicted under any of the sections mentioned in the Schedule or whether any order has been passed under section 118 of the Criminal Procedure Code from the records of the case, but the High Court has no power under the provisions of this section to examine the correctness or otherwise of the sentence or order. Such provision, I am bound to say, is not only an insult to the dignity but also an insult to the intelligence of the Judges of the High Court, for you have to remember a Magistrate may pass a very light sentence upon an accused to deprive him of the right of appeal. To deprive the High Court of the powers of supervision in matters which involve the expulsion of a man from a country, and to place such enormous powers in the hands of magistrates, is nothing but a denial of justice the birth right of every human being, so that the executive may maintain their tyrannical sway over the people who have the misfortune to be placed under their administration.

Sir, I therefore ask the Governor General in Council to take immediate steps to request the Secretary of State for India to disallow the Burma Expulsion of Offenders Act 1925 or to repeal the same by an Act of the Indian Legislature, and I urge this on the ground of our inalienable right and privilege to live in any part of the British Empire on which our allegiance to the Crown is based. Sir such an Act of a Provincial Legislature, in one part of the British Indian Empire, is not only absurd and

fraught with danger but is also most inopportune at the present moment when we are trying to secure for His Majesty's British Indian subjects the rights of citizenship in South Africa. I therefore ask the Government to take steps so that the Act may be disallowed by the Secretary of State for India, or to repeal the same by an Act of Indian Legislature as indicated in my Resolution and protect the rights of Indians in Burma so that they may live there with all the rights of citizens of a great empire.

Sir Hari Singh Gour I am somewhat amused and I must confess somewhat amazed at the extraordinary statement of law and fact that have emanated from my friend Mr Naidu (*An Honourable Member* "Rao Bahadur") and the interjection of the Honourable Mr Tonkanson has taken me completely by surprise. Now what are the facts relating to this Burma Non-Burman Expulsion of Offenders Act. The facts are briefly these. I speak from official papers and from a certain amount of local knowledge which I have derived when I happened to be in Rangoon at the time when this Bill was actually before the Select Committee. This Bill is the outcome of a certain amount of agitation raised in the country against Indians. The position of Indians in Burma is as follows. Rangoon, which is the capital of Burma, is a very large city with a population of over $3\frac{1}{2}$ lakhs, and my Burman friends who are here will bear me out that the majority of them happen to be Indians, while the trade and the banks are in the hands of Indians. Now a feeling has been aroused in the minds of my Burmese friends and others that these Indians are plundering Burma, why not expel them? I do not for a moment believe that right-minded, thoughtful Burmans would like to expel any Indian. On the other hand I have the authority of some of the leaders of the new Burma movement that they would welcome Indians in Burma because without their co-operation and support the advance of Burma in the path of political progress is impossible. Now, Sir, this is the atmosphere of suspicion in which this Bill was launched, and let me remind this House it has received the opposition not merely of Indians but of the representatives of the European community resident in Burma. The President of the Burma Chamber of Commerce, speaking on behalf of the European community whom he represented in the local Council pointed out in language clear and unmistakable that the one effect of this Bill would be disastrous to the solidarity of the races and the good feeling that has prevailed hitherto in Burma between members of the various races and communities. Let me give to the Honourable Members his exact words in opposing this Bill as I have said on behalf of the European mercantile community of Burma. Sir Adam Richey said

"Sir I am not a lawyer though it may be that I am able to distinguish the dangers lying behind the provisions of this Bill. One thing I notice is that the Bill has undergone very considerable change after its last entry in this House. The wording has been altered, clauses have been added and safeguards have been introduced and I accept the assurance of the Honourable the Home Member that it would be quite impossible for any one individual to do his neighbour any harm. I really therefore have an open mind as to the provisions of this Bill both for and against it. I think if it is put on the Statute book it will practically be unused. Holding that opinion what is the use of pushing this Bill through the House and creating inter racial feeling? I say that if the benefits which would accrue by the Bill do not outweigh the disadvantages and difficulties which will be set on later through lack of co-operation and racial feeling the Bill in my opinion is not worth the candle."

And he goes on in the same strain. Now, Sir a very casual examination of the Bill will convince this House that Sir Adam Richey was well justified in characterising it as a Bill which has the ultimate result of arousing

inter-racial hostility Let me give to the Honourable Members briefly the provisions of the Bill It is a very short Bill but it contains within its short compass germs of great potentiality and mischief First of all, Sir, we have the Preamble, and the Preamble says

"Persons who are non Burmans and not domiciled in Burma shall be subject to the operation of the Bill."

Now, Sir, the one question I should like to ask, and the one question which has never been answered either by the lawyer or non-lawyer Members of the Burma Legislative Council is, what is the meaning of the word "domicile"? My lawyer friends will know that this word has been a battle ground in England and in this country for several generations and up to date the judges are not agreed as to when a domicile begins and when it ends Now, Sir, in the Code of Civil Procedure there is such a word, but it has not been defined for the very simple reason that it is undefinable The Select Committee themselves confess their inability to define this word In clause 2 of their Report they say

"We are of opinion that 'domiciled' cannot be defined, but that the question whether a man is or is not domiciled in Burma must be left to the Courts to decide on the particular facts of each case and on the basis of existing rulings"

This is, therefore, a great element of uncertainty It is using in an Act of the Legislature a word which is undefined and which the Legislature confesses is undefinable But that is not all Honourable Members will find in the conglomeration of offences for which a person may be expelled from Burma there occur offences which are universally regarded as political offences, offences like sedition or allied offences Then, in the second class are offences against person and against property If this Bill were confined merely to offenders under what is known to the lawyers as offenders under Chapters XII and XVII of the Indian Penal Code, I would say with Sir Adam Richey that the Bill was either useless or at any rate harmless But I ask my Honourable friends and the protagonists of the Government to justify on the floor of this House a measure which is calculated to expel political offenders from the province of Burma

Mr. A Rangaswami Iyengar (Tanjore *cum* Trichinopoly Non-Muhamadan Rural) Any offenders

Syed Majid Baksh (Burdwan and Presidency Divisions Muhammadan Rural) Offenders even under section 302

Sir Hari Singh Gour That is my first point I am talking of political offenders for the present You have not defined the word 'domiciled' and you have cast into your net criminals who are undoubtedly criminals because they have committed offences against the law of property and person, and side by side with them you have placed political offenders or so-called political agitators Sir, those who are suspicious about the underlying principle of this Bill justify their suspicion on the ground that this will be used as a weapon for political oppression of the people who are waking up their fellow subjects in Burma to the recognition and assertion of their political rights Sir, though I have not had the pleasure of consulting Mr Naidu in Rangoon, I have consulted all shades of political opinion Burmans and non-Burmans European and indigenous, and they were unanimously of opinion that this Bill is a Bill which should be opposed and should not be pushed on with If this opinion were an unreasoned opinion, I submit I was not bound to carry it out, but having made a close

study of the Bill, I feel that their opinion was justified, nay amply justified, because I find that if this Bill is put into practice, it might be used as an engine of oppression against those who wish to wake up Burma to realise their political rights and responsibilities

Now, Sir, it has been said, and my friend the Mover of this Resolution has said, that there was no appeal against this arbitrary order passed by the District Magistrate. The Honourable Mr Tonkinson warmly (*An Honourable Member* "Wrongly") rose up ejaculating—"No right of appeal! There is a right of appeal." Now, Sir, I give him a friendly challenge. If my copy which I have received from his own Department is correct, and if my reading of the Bill is correct, there is no right of appeal at all. There is a reference on two and two stated points only. Let me give to the Honourable Members the exact words of that section which is called an appeal. It is section 4. Honourable Members will find that if a person has been once convicted of an offence in the first Schedule—and a political offender is an egregious offender—his first conviction suffices to justify his expulsion, or, if he is convicted on two occasions under the second Schedule in that case the District Magistrate may immediately take action under this Expulsion Act. He is merely to find three facts and I hope the House will now carefully listen to the very guarded language, the very cautious language used by the Legislature in connection with the initiation of the first two principles, leaving out the third principle for the sole and unfettered judgment of the District Magistrate. The first is whether he is a non-Burman. The second is whether he is an offender—two very simple facts. The third is whether it is desirable to expel him. If the District Magistrate is of opinion that all these three conditions concur, then he may pass an order. Now, Sir, having passed an order, this is the sole right which the unfortunate offender has under the Act. I will give to the House the exact words with a view to enable it to judge whether the offender has any right of appeal within the meaning of law or for the matter of that any right of revision as recognised by the Code of Criminal Procedure. The section says

"The offender may within 15 days of the receipt of the copy of the order require the District Magistrate to refer for the determination of the High Court the question whether the offender is or is not a Burman or is or is not an offender within the meaning of the Act, and, on receipt of such requisition, the District Magistrate shall forward the proceedings together with the requisition to the High Court which shall deal with the reference as far as possible in the manner provided by the Code of Criminal Procedure for the disposal of an appeal."

That is all that the District Magistrate is obliged to do. That is all that the High Court is entitled to go into. That is to say, the two facts, namely, whether you are a Burman and secondly whether you are an offender. Now, the third point and the most important point of which the executive has been made the sole and uncontrolled judge is whether it is desirable to expel him from Burma. On that point the High Court has been given no discretion and that, I submit, is therefore the crux of the whole matter.

Mr President Order, order. The Honourable Member has already exceeded his time limit.

Sir Hari Singh Gour I will wind up in a few minutes. Now, Sir, I submit that there is no justification for the argument that there is a right of appeal to a judicial tribunal.

Sir, reference has been made to the Goonda Act. I do not say that my friend the Honourable Mr. Naidu has misread it because I do not think he could have ever read it at all.

His paraphrase of that Act is so widely different from the language of the Act that I feel astonished. A goonda is defined as a hooligan or other rough, and Bengalis are not excluded. If a Bengali is a goonda he comes also within the purview of the Act. It is an Act which recognises no denominations or races or classes and is circumscribed as regards its operations to the town and suburbs of Calcutta. (*An Honourable Member* "Section 6 of the Goonda Act.")

Mr. President Order, order. The Honourable Member cannot now discuss new points. The Chair thought he was going to sum up.

Sir Hari Singh Gour In a few seconds, Sir. Under the Goonda Act the executive officer is to act with the advice of two advisory judges of the rank of Additional and Sessions Judge. Well, I need not labour this point. I support the motion and oppose this Bill on the following grounds. I submit it is against the policy of British legislation to introduce inter-provincial legislation placing disabilities on the residents of one province from settling down and residing in another province. Burma is part of the Indian Empire, therefore I submit that the people of India as much as the people of Burma have the right of free settlement in any part of the Indian Empire where they choose to live. If they are offenders they pay the penalty for their offences, but that is no reason to deny them the right to reside in the country where they live and have the right to live.

My second submission.

Mr. President Order, order. The Honourable Member must put a restraint on himself.

Sir Hari Singh Gour I am about to finish. That Act violates international law and the right of asylum. Political offenders and political refugees are admitted into all countries and I, therefore, submit that the punishment of political offenders entitles the Government to expel non-Burmans from Burma and this offends my notion of international comity.

My third objection is to the word "domicile" and to the fact that there is no right of appeal. I submit, therefore, that the House should support the motion moved by my Honourable friend.

Lieutenant-Colonel F. C. Owens (Burma Nominated Official) Sir, I oppose this Resolution on behalf of my Government and I also oppose it because it is the desire of the Burman people that it should be opposed. They regard the tabling of this Resolution as an unnecessary attempt at outside interference in their domestic affairs. (*Some Honourable Members* "Certainly not. Inside affairs.") There has been a great deal of misapprehension about this Act. The Burma Expulsion of Offenders Act is, I contend, a measure of purely domestic legislation. Its aims, its objects are very reasonable. I have been amazed at the interpretation that Indians in Burma have placed on this Act and on its intention, but I have never been so amazed by anything that has been said against this Act by Indians in Burma as I have been by what has been said here to-day. The statements that I have heard from the last speaker have amazed me. I am sure that the majority of Members of this House have never read the Act. (*Several Honourable Members* "You are not right, we have all read

the Act.") In the Statement of Objects and Reasons the Home Member of the Burma Government stated that there was a general demand in the country that Burma should no longer be allowed to remain a happy hunting ground for criminals from other parts of the British Empire. It was considered desirable that Government should be authorised to remove from Burma any non-Burman convicted of a serious offence, or who was bound down to be of good behaviour, or against whom an order of restriction had been passed under a local Act known as the Habitual Offenders' Restriction Act. I submit, Sir, no honest, law-abiding citizen can really take exception to these aims and objects.

Mr A Rangaswami Iyengar That is always the tyrant's plea.

Lieutenant-Colonel F. O. Owens. The House has heard what two speakers who have spoken on this motion have said. I confess I did not expect to hear in this House the arguments that were raised in the Burma Council by the opposers of this Bill. I should just like to examine some of the arguments. Now, Sir, the first speaker on this Bill said that, if the Bill was passed, it would hurt the feelings of Indians, and that its mere introduction into the Council raised the presumption that, without Indians, Burma would be a very peaceful country without any criminals. Well, legislation directed against criminals should not hurt the feelings of any honest man. And as regards this presumption, the Bill makes no such presumption whatsoever and nobody who had the slightest experience of Burma would make any such presumption. Our crime figures in Burma are appallingly high and we who live in Burma, Burmans included, freely admit that for the bulk of that crime Burmans themselves are responsible.

Diwan Bahadur T Rangachariar (Madras City Muhammadan Urban) Why not expel them also?

Lieutenant-Colonel F. O. Owens. We have undertaken special legislation in the shape of that Offenders' Restriction Act which I have just mentioned, and although that Act applies to all persons living in Burma, all offenders, it is not well suited to dealing with criminals who at the same time are not Burmans. Now another Indian said regarding this Act that the Indian newspapers have described the Act as the thin end of the wedge of separation and thought it was aimed at Indians. Well, I quite admit that it is aimed at Indian criminals in common with other non-Burman criminals. Out of a population of just over 13 millions, the Indians in Burma number not quite 900,000. The Chinese number very nearly 150,000. Practically all the Indians are British subjects and a great many of the Chinese are also British subjects. I am referring to those Chinese who were born in the Federated Malay States and the Straits. Now it is quite clear, having regard to these figures, that Indian criminals may outnumber the criminals of other non-Burman races, but I do not think even this is necessarily a fact, and personally I would back the Chinese. Now, I do not know why this Act should be regarded as the thin end of the wedge of separation, and even if it is so regarded, I cannot see why on that account it should be considered objectionable. Separation is a question, I take it, which will be decided on economic and not on racial issues. But the most ardent advocate of separation does not hold that when separation comes to pass all Indians must live on one side of the Bay of Bengal and all Burmans on the other. Now the same speaker went on to say that he was of opinion that no offender ever came to Burma to earn his livelihood by foul means. Well, Sir, I doubt that

Any way the Act is not concerned with the intentions of would-be immigrants. It is only concerned with their actions after they have arrived in Burma, and there can be no doubt that a certain number of Indians in Burma do earn their livelihood by foul means. I should like to quote to the House what a Burman Judge of our High Court in discussing this Bill had to say on the matter. He said

"The Burmese people will welcome the proposed legislation, they cannot understand why notorious smugglers, keepers of houses of ill fame and gambling dens and other undesirable persons of races foreign to Burma have been suffered to thrive in this country."

Well, now, Sir, the next critic of this Bill remarked that even members of Indian criminal tribes when they come to Burma become such reformed characters that they do not commit crime. Well, that is very interesting but, I would point out, the Act is not directed against even members of Indian criminal tribes so long as they behave themselves. The same critic went on to ask why in Burma it should be presumed that all Indians are born criminals. Well, Sir, the Act makes no such presumption at all and I can assure the House that we in Burma make no such presumption either. Now, this gentleman in the course of the same speech went on to remark, that since the introduction of the Reforms in Burma he had noticed that Indians had been kept out of public offices and that now plans were being formulated to keep them out of the country also. Well, I deny the latter part of the assertion.

Mr A Rangaswami Iyengar We did not say that

Lieutenant-Colonel F C Owens And as regards the former, I would remind the House that at least two eminent Indians occupy very high offices in Burma and that both these gentlemen obtained their appointments after the introduction of the Reforms. I am not aware, Sir, that any Burman sits as a Judge on the High Court of any Province in India. I am not aware that the Mayor of Calcutta is a Burman, but I do know that the President of the Corporation of Rangoon is an Indian. Another Indian Member of our Council said that this Bill, if it was placed on the Statute-book, would earn for Burma the hatred of all Asia including that of the Chinese and Japanese peoples, Anglo-Indians and Indians, but the Burma Legislature in its law-making capacity could not hurt either the Chinese or the Japanese or Anglo-Indian—apparently because these people could retaliate. He then remarked "I will at once say there is no foolish person who dares to go to Burma to break your law." Well, on that latter point of course I disagree with him, and as regards the first part of his remarks, if there is any meaning in them, they only go to show that this gentleman knew nothing whatever about the provisions of the Foreigners' Act. The Foreigners' Act is as drastic a piece of legislation as you will find anywhere. Now that Foreigners' Act has been on the Statute-book for a long time. It is directed against all Asia, including the Chinese and the Japanese, except of course British subjects, and yet it has not earned the hatred of those people for India. Now, after all this, the Bill went to Select Committee and it was very much altered there. The Home Member on reintroducing it or resubmitting it to the Council said that it had been trimmed down to the narrowest possible limits consistent with its aims and objects. Now, Sir the Bill was again attacked by the Indian Members. It was denounced as a Bill which "attaches a stigma to the Indian community in Burma and brands Indians as criminals by birth, a Bill

which denounces the Indian community as the only community which contains criminals, a Bill which asserts that had it not been for Indian criminals there would have been no criminals in Burma, a Bill which was a foul calumny on the pure reputation of Indians who claimed that they should be allowed to reside in Burma as self-respecting citizens, a Bill that was a gratuitous insult which the Government of Burma had sought to place upon Indians, a Bill which infringed one of the most fundamental rights of a loyal citizen,' namely, the right that my friend has just pressed to remain in any part of the Empire in which he desired to remain Well, Sir, this right is infringed every time a magistrate sends a thief to jail, the thief may be a perfectly loyal citizen, but I venture to assert the part of the British Empire which he desires to remain in is that part of it which is outside the four walls of a jail It is further described as a Bill the professed object of which is not its real object, which real object was to drive Indians out of Burma as branded criminals An Indian Member who was a member of the Select Committee stigmatised the Bill as repulsive and humiliating to Indians, a Bill of which the underlying principle was iniquitous, a Bill that was itself atrocious in character Now, Sir, I have given you specimens of the criticisms that were directed against this Bill in our local Council I am quite willing to admit that all this denunciation may be classed as pretty hot stuff, but I refuse to admit that it contains either reason or argument I am quite satisfied, Sir, in my own mind that there is no sinister movement on foot either in this Act or in Burma or anywhere else to expel and to exclude Indians from Burma, and I hold that assurance for a very simple and a very patent reason The reason is so patent that I am surprised that Indians have lost sight of it That reason is that Burma could not do without Indians Sir, God Almighty made Burma and He placed in it the people who are now Burmans Then the British came along and took over the administration of the country It was after this that Indians entered Burma, and ever since they have been coming into and going out of the country freely in their thousands I assert with confidence that Indians in Burma have had and do have a very good time for it is a happy country and I do not grudge them that good time at all, I think they thoroughly deserve it, because in my opinion Indians have done their full share in the development of the country What is the position of Indians there now? They adorn with distinction our bench and our bar Many departments of the public service in Burma are staffed by Indians They prosper as merchants and traders in our towns They hold land all over Burma You will find them engaged without let or hindrance in the various pursuits of life which go to make up the economy of a civilised country (*An Honourable Member* "Have they had domicile?") Now, I just want to picture to the House what the consequence would be if we expelled and excluded Indians from Burma

Mr A Rangaswami Iyengar That is what this Act will do

Lieutenant-Colonel F C Owens Our railway trains would come to a standstill The great fleet of steamers belonging to the Irrawaddy Flotilla Company, which cover our waterways and which form practically the only means of communication in the rich and prosperous delta of the Irrawaddy from where I have just come, would cease to run, our rice mills would cease working, ocean going steamers in our ports could neither load nor unload, public works activity would be paralysed, hospitals and dispensaries would close down, sanitation would disappear

Pandit Shamlal Nehru (Meerut Division Non-Muhammadan Rural) You have forgotten law and order

Lieutenant-Colonel F C Owens We could not keep up our public accounts and Government officials, including myself, would not be able to draw our pay. In addition I should be deprived of my cook and butler and various other servants, and the Burmans would no longer be able to ride in rickshaws. Events which took place only in last September will show that I have drawn no exaggerated picture to this House. In September last the crews of the steamers of the Irrawaddy Flotilla Company—all of them Indians—went on strike. For the four or five weeks during which that strike continued communication in a greater part of Burma was by foot only. At that time I was in Bassein, the Divisional headquarters of Irrawaddy or the Delta Division of Burma, and I can personally testify to the great inconvenience and the great loss which was caused by that strike to all sections of the community. I received numerous petitions imploring me to induce Government to put an end to the strike and to cause the steamers to run again. So universally were the effects of this strike felt that even small fishing hamlets in my Division were affected for they could not get their fresh fish to Rangoon markets. Now, I ask this House, can any one seriously imagine that we in Burma are so foolish as to take action which would bring about these consequences?

Mr A Rangaswami Iyengar That all depends

Lieutenant-Colonel F C Owens Now, Sir, I pass to the Act

Mr President The Honourable Member being new, the Chair has allowed him sufficient latitude by giving him five minutes more than his time. Will the Honourable Member now please bring his remarks to a close?

Lieutenant-Colonel F C Owens Now, Sir, I should like to make a few more remarks. Our crime figures in Burma are very high. For the last ten years, they have been going up at an alarming rate, and every one admits in Burma that for the bulk of our crime the Burmans are themselves responsible. (Hear, hear)

Mr M A Jinnah (Bombay City Muhammadan Urban) How many Indians?

The Honourable Sir Alexander Muddiman (Home Member) I would appeal to the House not to interrupt the Honourable Member as this is his maiden speech.

Lieutenant-Colonel F C Owens And one of the recommendations that Committee made was to amend our Habitual Offenders Restriction Act, so as to provide for a person not domiciled in Burma but who came under that Act being sent back to the country from which he came instead of his being restricted to a place in Burma. It was held that the suggested amendment went beyond the scope of the Offenders' Restriction Act which provides for supervision of a restricted person, and obviously the Burma police could not supervise a person restricted to some village in India.

In order to give effect to the recommendation it was necessary to have a new Act and the Act now under consideration is this new Act. Had we been able to amend the Offenders Restriction Act we should have attained our object just as well as we shall do under the new Act and I venture to suggest that the amendment would have excited no comment. There can,

be no doubt that Indian Members in Burma completely misrepresented the Act in our Council. I do not for a moment think that they have wilfully done so. Rather I think they have genuinely misunderstood it. As soon as they found we were enacting new legislation which did not include Burmans they at once suspected a plot against Indians.

Sir Hari Singh Gour What about Europeans and Anglo-Indians?

Lieutenant-Colonel F. C. Owens There was and there is no such plot. We desire to treat our Burman and our Indian criminals alike, so far as it is in our power to do so. We are quite willing that any province in India should take measures such as we have to send back to Burma all Burman criminals. This Burma Act is part of an attempt by the Burma people to put down crime in the province and no member of any other province has any right to put an obstacle in the way of that effort. This Act was passed by 56 votes to 15. The minority consisted of 10 Indian Members and 5 European non-officials. The only reason why the Europeans voted against the Act that I have been able to discover is the reason mentioned by my friend Sir Hari Singh Gour and that was that the Bill as it emerged from the Select Committee had been so revised that it was innocuous. (Laughter) We had that point before, but it is a matter of opinion. Government and every Burman Member present at the division, and they numbered 41, voted for the Bill and I claim that this is an Act wanted not only by Government but also by the Burmese people. Legislation in the shape of Bengal Act No. I of 1923, similar to that under discussion, has been passed in India without interference and without raising a murmur. Why then should Indians assert that the Burma Act is an insult to Indians? I am quite satisfied that no Member of this House really regards it as such. The Resolution before the House asks us to recommend that this Burma Act be disallowed or repealed. I regret to say, Sir, but I cannot hide from myself the fact, that a racial complexion has crept into this matter and I have no doubt in my own mind that in legislation directed against criminals racial issues should find no place. I must face facts as I find them and I confess I agree with the Home Member of my Government when he said that if racial issues had been introduced into this matter, their introduction was due to the extraordinary interpretation which Indians had placed on this Act. The fate of this Resolution, like the fate of all Resolutions in this House, depends on the Indian Members. Though I am a Government official, an agent of a much criticised bureaucracy, I do not address this House as a wholly irresponsible person. At least it must be conceded that I have lost the irresponsibility of youth and that I have some experience of Burma. I say to my Indian friends, why should you quarrel with Burma?

Mr A. Rangaswami Iyengar We do not.

Lieutenant-Colonel F. C. Owens What will you gain by carrying this Resolution? And I answer, you will gain a reputation for upholding criminals.

Mr A. Rangaswami Iyengar No, no.

Lieutenant-Colonel F. C. Owens That is not desirable. You will also gain another victory over Government. You have gained many such victories. One more or one less, does it matter? Sir, anything may happen within the next few years. Swaraj may be in full swing, or it may be, British officials will still be associated with Indians in the administration.

of this Empire But whatever the circumstances, the facts of Geography will still stare us in the face, and Burma will still be India's next door neighbour

Mr President. Order, order Considering that this is the Honourable Member's maiden speech, the Chair did not want to give him repeated warnings

Lieutenant-Colonel F C Owens May I bring this to a close? I assume, whatever the circumstances, all Indians desire to live in amity with that neighbour Friendship is not a trifling matter Friendship is desirable, not to be thrown lightly away I do not stand here to threaten Such an attitude would be distasteful to me, it would be disowned by my Government and repudiated by the people that I represent But I stand here to set out the facts of this matter fully and freely before this House and I have endeavoured to do so I also stand here to assert the right, the reasonable right of Burmans to manage their own affairs and to assert their reasonable claim that in matters of domestic legislation they shall not be dictated to by Indians In this matter the Burmese people have arrived at a decision and they will tolerate no interference, and I say to my Indian friends here, if you carry this Resolution you may gain another victory over Government, but at the same time you will incur and deservedly incur the resentment of the Burmese people Therefore, I invite my Indian friends to join with me in opposing this Resolution

Mr M A Jinnah Will you allow me to ask one question of the Honourable Member? I did not want to interrupt him Will he kindly tell us, as he represents the Government of Burma, how many Indians were convicted of the offences mentioned in Schedule I and Schedule II in the preceding two years?

Lieutenant-Colonel F C Owens I should like to have notice of that question

U Hla (Burma Non-European) Sir, I rise to oppose the Resolution on the ground that this Bill was passed in the Burma Legislative Council by a majority of 56 to 15 and those who voted against the Bill were non-Burmans It shows that the people of Burma, particularly the Burmans, are in favour of the Act I oppose the Resolution also on the ground that the interference of the Central Legislature in a matter like this is repugnant to the principle of provincial autonomy This Act does not in any way prejudice the legitimate interests of Indian residents in Burma and is essential for the promotion of law and order in that province Sir, with these few words I oppose the Resolution

Diwan Bahadur T Rangachariar It is difficult to speak with restraint on a motion like this supported as it has been by a Government representative It is a sad irony of fate that at this particular moment we should be debating this elementary proposition We are now supposed to be in conflict and correspondence with the South African Government for trying to put on its legislative Statute-book a measure denying to Indians there the elementary rights of Empire citizenship As I said, it is a sad irony of fate that we should be discussing this question as if it was open to discussion that an Indian citizen living under the same Central Government in one part of the country should be denied the rights of citizenship by that Government in another part That Britishers should solemnly stand up

here and defend this proposition amazes and astonishes me. Let my English friends understand a parallel situation. What will be the ire roused in Scotland, for instance, if London undertook legislation saying that if a Scotchman committed an offence in London he is not only to be punished with the ordinary punishment of imprisonment or fine, as the case may be, but that he should also be punished with the punishment of expulsion from England because he is a Scotchman. That is exactly the analogous position here. Just as Scotchmen in England are aliens, so Indians in Burma or any other of His Majesty's Indian subjects are aliens. Welshmen for instance. Are they to be treated in England in the way in which Indians are sought to be treated in Burma?

Pandit Shamlal Nehru Will the Honourable Member tell us who made England?

Diwan Bahadur T. Rangachariar I am not concerned whether anybody made England or not. They are His Majesty's subjects owing allegiance to one Government. This Bill stinks in my nostrils. What is the meaning of talking of domicile in one part of the country all under one Government. You may then talk of district domicile. You may talk of provincial domiciles. Have I got my domicile in my Tanjore District or have I got my domicile in India? Is Burma part of India or not? (*An Honourable Member* "No.") Who says "No"? (*An Honourable Member* They say it.) I have my domicile in every inch of India. I cannot understand any lawyer permitting this piece of legislation to go in. I can speak of aliens having acquired domicile. Are we aliens in India? Has it come to that? Is that the trusteeship of the British Government? Is that the way they are discharging their duties here? I am ashamed to ask Britishers to protect Indian citizens in India itself. How can the Indian Government stand up to-day on the floor of this House and defend this measure and at the same time be cabling to the South African Government? I hope this debate will be communicated to the South African Government in full. South African Government representatives are up in the gallery, I am sure. I hope, Sir, when the Government Member does rise to support this Act, the whole of his speech will be transmitted to South Africa. With what sense of justice, with what face, can you appeal to the South African Government not to pass their laws for their domestic control? If you stand up here and defend this Act, then why not confess that South Africa is justified in taking the measures she is taking. Are we sincere in our protests? If you allow this measure to be enacted, what will happen? My friends the Pathans are not welcome in Bombay, nor the Afridis from across the border, but the Pathans who are subjects of His Majesty in British India. The Bombay Government can pass a Bill saying "These people commit crimes in Bombay and we punish them, fine them, put them in jails and bind them over for good behaviour, but these steps are not enough. Over and above we want the power to expel them from Bombay." If they were to say that I would be the first to protest. If you want the power of protecting your own province against your own citizens you have no business to send them out of it. It seems marvellous to me that a Government cannot only punish its subjects for the crimes they commit but add to the punishment in another shape simply because the offender does not happen to belong to the province. Why that course may very well be adopted by many a District Board or Local Board. I

know across the border of my own district of Tanjore there are many criminal tribes in Bellary, and the District Board of Tanjore might very well ask for legislation by which a Bellarian who commits a crime in Tanjore should not only be given the usual punishment but should be expelled as well. That is racial discrimination. Sir, the Government which does that is an impotent Government. It does not deserve the name of Government if it cannot take care of its own subjects. I do not know whether this Act is directed against Indians or others, but it is aimed at the subjects of His Majesty, His Britannic Majesty, for whom I have the greatest respect and loyal love. Sir, if this piece of legislation is to be tolerated by that Government, I must take leave to say that I can no longer love that Government.

U Tok Kyi (Burma Non European) Sir, I feel bound to say a few words on this Resolution for it is the direct outcome of the legislation in the province from which I come. Some time during last year two Bills were introduced into the Burma Legislative Council,—one is to impose a tax on passengers that come into Burma by sea and the other is the Bill now under discussion in this House. These two Bills have been described, and I think rightly described, as the Black Bills of Burma, as they have done grave injustice to Indians and have also outraged their self-respect. Of course there are some Indians who think that the Expulsion of Non-Burman Offenders Bill is not objectionable. (*An Honourable Member* 'Black sheep') Yes, there are black sheep everywhere, but I think every Indian with self-respect and with the right sentiments will object to it. Sir, I, as a humble public man, have condemned both these Bills publicly at two huge meetings. The first meeting was held soon after these two Black Bills were introduced into the local Council, and the second meeting was held soon after they were passed, but before the assent of the Governor General was given. But the resolution passed at the second meeting seemed to have no effect whatever on His Excellency the Viceroy so far as the Expulsion of non-Burman Offenders Bill was concerned. His Excellency the Governor General has withheld, and I think rightly withheld, his assent to the Burma Sea-Passengers Tax Bill.

Diwan Bahadur M. Ramachandra Rao (East Godavari and West Godavari cum Krishna Non Muhammadan Rural) May I ask the Honourable the Home Member, Sir, whether the information is correct?

The Honourable Sir Alexander Muddiman That is not my information Sir, but my Honourable friend may be in closer communication than I am.

Dr S. K. Datta (Nominated Indian Christians) Sir, there must be some hiatus in our quasi-federal constitution which permitted a Bill of this kind to be introduced into a Provincial Legislative Council. I do not know whether this Bill on its own merits ought to have the opposition that it has had. I am ignorant of the problem which the Government of Burma is faced with. On the other hand I am concerned with the very grave constitutional issues which, as far as I know, have not yet been touched upon. All modern constitutions, and particularly federal constitutions, insist on equality of all citizens, it does not matter whether resident or domiciled in whichever of the component States they might be. That is fundamental to a federal constitution. Now Sir, if you will permit me I will ask the House to follow me while I refer to an Act passed by the

New South Wales Legislature, which is one of the States of the Commonwealth of Australia. This Act was termed the Influx of Criminals Prevention Act of 1903, (N S W). It laid down that

"If any person other than a person who has been resident in New South Wales has been convicted in any other State of an offence for which in such State he was liable to suffer death or to be imprisoned for one year or longer and if before the lapse of 3 years after the termination of any imprisonment suffered by him in respect of any such offence such person comes into New South Wales he shall be guilty of an offence against this Act."

There is the case (a celebrated case) of John Benson, an inhabitant of the State of Victoria, who had been convicted in Victoria and proceeded to New South Wales. He was arrested under this Act and sentenced to imprisonment. He finally appealed to the High Court for the interpretation of the law, and here is the decision of the High Court of Australia. It was held by the High Court that

"the conviction was bad on the ground that the power of the Parliament of a State to make laws for the exclusion of persons whom it thinks undesirable immigrants is limited to the making of laws for the promotion of public order, safety or morals and that the exclusion of a person convicted of such an offence as that of which the accused was convicted in Victoria was not within the power as so limited."

Mr Justice Isaac, another of judges, held

"As to section 92 '(of the Australian Commonwealth Act)' which is the only section I find it necessary to deal with, the applicant contends that the word 'intercourse' is unlimited, and refers to all transit of persons, and that the words 'absolutely free' are so large as not to be susceptible of reduction by exceptions."

Then he goes on to say

"In my opinion the guarantee of inter state freedom of transit and access for persons and property under section 92 is absolute—that is, it is an absolute prohibition on the Commonwealth and States alike, to regard State borders as in themselves possible barriers to intercourse between Australians."

That was the law laid down by the High Court of the Commonwealth of Australia. Not merely that I have taken the trouble to consult the constitution of the United States of America. I have also referred to the text of this constitution as quoted in Bryce's "American Commonwealth", as also the constitution of the State of Oklahoma. States are prohibited from embarking on differential legislation and that to my mind is a much greater issue than the particular issue raised on this particular Act. May I also point out further that if the Honourable the Home Member will give me the assurance that he will move through whatever authority there may be to bring about such a change in our constitution that the freedom of a subject and his equality in the law of British India is guaranteed, I for one will vote against this particular Resolution, provided he will give me a guarantee to ensure in our constitution that any Provincial legislation which differentiates between His Majesty's subjects in India will be void. As I said before, I am not sufficiently in touch with the circumstances which led to the passing of this Bill. I have not had enough of information one way or the other, but what concerns me is the constitutional issue and I would ask, indeed I would urge upon this House, that if it does vote for this Resolution it may be with the higher purpose of obtaining a guarantee that no section of British Indian subjects within the Indian Empire may be differentiated against. I may say that the fear of the passage of this particular Bill is not inherent to the Bill itself. The fear is that this Bill might lead to further differential legislation and give sanction

to the principle of differentiation and it is this issue I would bring to the notice of this House and of the Honourable the Home Member who represents the Government of India

The Honourable Sir Alexander Muddiman Sir, I think this is one of the most interesting debates I have ever listened to in this House, for the House is here debating both a practical problem and a constitutional issue. It is not often we have the advantage of obtaining the attention of this House to Burman affairs. In a long connection with the Legislature of this country I can hardly recollect any occasion on which Burma has taken up so much of the time of the House. We have further had the opportunity of hearing, I think, every Member who comes from Burma on the issue under consideration.

Now, Sir, I should like to bring the House back to what the Resolution actually asks for before I deal with certain other aspects of the case. The House asks the Governor General to either move the Secretary of State, and presumably through him His Majesty, to disallow the Act or to bring in legislation in this Legislature to repeal it. In other words this House proposes to sit in judgment on an Act passed by a local Legislature. Now that is a proposition to which I shall revert in a short time. It needs careful consideration, and I might point out to the House that it will have reactions of an important character. There is a big constitutional issue on that point.

I come to the further point, the merits of the Bill. I shall deal with that first. Now, I may say that, as my Honourable friend who has just sat down (Dr Datta) frankly admitted, very few Members of this House can have the slightest idea of what the condition of affairs is in Burma and they are not in a position to form a judgment as to the necessity or the reverse of this Act. He admitted that very frankly and that is the position in which I think many other Members of the House will find themselves. But we have had the advantage of reading the debates in the Burma Council, and we have had the advantage fortunately of hearing every Member who comes from Burma, on the practical issue. Now, I notice that the Bill was introduced in the Burma Council by the Burma Home Member who is himself, I am informed, a Burman. Therefore, there can be no question of his not being fully convinced of the desirability from his point of view at any rate, of the legislation. It was no case of the Home Member being a non-Indian which unfortunately afflicts the Government of India, it was a case of a son of the soil speaking on behalf of, and to the sons of, the soil. That is one point.

The next point is this. All the Members from Burma have spoken—and here I turn aside to congratulate Colonel Owens on his excellent and eloquent speech which to me was full of interest—the speech of a man who spoke obviously from his heart and with a full knowledge of the people for whom he was speaking. We have also had a speech from an Indian, who represents a Burman constituency in this House who was quite clear that as far as he was concerned he could see no objection to the Bill. We have had the speeches of two Burman Members. They were divided in view, one was in favour of the Bill and the other was not. The other—who was not, has, I understand, not been very fortunate in suffrages of his own countrymen.

Mr A Rangaswami Iyengar That is wrong—he has been returned to this Assembly twice.

The Honourable Sir Alexander Muddiman I am told that it is wrong, I understood he was somewhat unfortunate in the local elections

Mr A Rangaswami Iyengar That may be because of the boycott

The Honourable Sir Alexander Muddiman Somewhat unfortunate in the local elections Sir, I have endeavoured to examine the evidence which has been supplied to us by those who have acquaintance with the habits and customs and the interests of Burma, in so far as the Members who have spoken are Burmans or have Burman experience, the majority is clearly in favour of action such as has been taken I do not here, Sir, propose to consider, nor is this a debate, I suggest to the House, in which we have to consider the provisions of the Bill in detail Some of the speeches really suggested the thought that the House was itself taking a new Bill into consideration Surely, I think there can be no one who imagines that an Act of this kind can be debated either usefully or properly in this Assembly at this stage I quite see there may be points of constitutional importance which justify and require a debate in this House I do suggest myself that we should not attempt to go through the details of the Bill,—I shall not certainly do it,—nor do I think the House as a whole would wish that I should do it

We then come to another aspect of the case, and that is the practical position Here you have the fact that extraordinary measures have been taken in Burma, whether justified or not, against persons who are non-Burmans Now the House must clearly understand that the problem of dealing with criminals who come from another part of the country at times is very difficult for the local authorities The Bengal Members here will agree with me, and I should think that the Bombay Members would also agree, when I say that if you have persons who belong to a different race, who have different customs and habits and who have a different language and are forcible in their methods, they may involve the province which they invade in considerable trouble I myself have seen, and my Honourable friend the Mover of the Resolution may recollect it, that a great deal of trouble was caused in a certain bazar on the banks of the Hooghly by certain persons who proceeded to collect debts in a somewhat forcible manner with what in those days were known as *lohabundis* I am not at all prepared to subscribe to the proposition that special measures are not justifiable against persons who come from other provinces, whose language and habits are unknown to the local police and whose methods and forms of crime differ entirely from those adopted by the indigenous population

The next point I wish to bring before this House is this It has been found necessary to enact this legislation in other places, and that legislation has not attracted the unfavourable criticism which this legislation has It has been found necessary in Bengal, and it is possible under the Goonda Act in spite of what was said, to exclude from Calcutta a Bengali, and to exclude from the Presidency, a Bengali not born in Bengal There is in fact in Calcutta

Mr A Rangaswami Iyengar You cannot exclude a Burman under this Act from Burma

The Honourable Sir Alexander Muddiman There is in fact in Calcutta deportation not only outside the province but within the province Why have my Honourable friend, who comes forward with such enthusiasm

to protect the Indian in Burma, and his people taken such precautions to protect themselves and their homes within the Presidency area in Bengal? I have no doubt that my Honourable friend thoroughly approves of it, at least he does not deny it. That is the case as regards the Goonda Act.

Now, there is a further difficulty in dealing with which I should like to meet my Honourable friend Diwan Bahadur Rangachariar. He said, "Good gracious, what a dreadful thing is this, how would you like Scotchmen who have been convicted to be sent back from England to Scotland?" Well, Sir, it would be a harsh thing to do for any man. I agree (Laughter). But the analogy is incomplete. I understand that most Scotchmen, at any rate, now-a-days speak English. Therefore, they are in a position to be dealt with by the local police far better than

Sir Hari Singh Gour I am very sorry to interrupt the Honourable the Home Member, but may I point out that the police in Burma is mainly manned by Indians. Is the Honourable Member aware of that? Most of the police in Burma are Indians. Is he aware of that?

The Honourable Sir Alexander Muddiman We shall be glad to have information from Sir Hari Singh Gour on any subject, but I have considerable reason to believe that it is incorrect. As I said, the analogy of Scotland and England is not complete.

Diwan Bahadur T. Rangachariar It will break the Union.

The Honourable Sir Alexander Muddiman I have not yet attempted to touch on the constitutional side. On the practical side I fail to see why any province should not take measures to deal with offenders of a particular class who are unusually difficult and unusually dangerous to be dealt with by the local police, and the time may yet come when the inhabitants of Madras city will be passing a Bill similar to that which we are now discussing.

Diwan Bahadur T. Rangachariar I would cry "Shame on them."

The Honourable Sir Alexander Muddiman The Honourable Member may cry shame for that matter on the Mover of this Resolution. He has had to do it in his own province.

Now, my Honourable friend Mr. Rangachariar raised a very dangerous ground, one which I myself consider a very serious ground. He said, "Good Heavens, if you do not absolutely recognise the appalling nature of this Burman legislation, you will be endangering our position with the South African Government." That, Sir, is a very important point indeed. If it were really so we should have to proceed with great caution. I myself believe that it is not so. I believe there is no parallel between the two cases.

Diwan Bahadur T. Rangachariar They will catch hold of this as an argument against us.

The Honourable Sir Alexander Muddiman Mr. Bhore will say a few words to the House on this subject and as my own time is limited, I will leave that point for him to dispose of.

Now we come to the constitutional issue. It is suggested as I understand the argument, that the correct scope of the Provincial and Central

Legislatures is such and is so conceived that this legislation, if enacted at all, should have been enacted in the Central Legislature

Mr. A. Rangaswami Iyengar. Quite so

The Honourable Sir Alexander Muddiman That is the first point. It is one of great interest. The House is well aware that a correct definition of the spheres of the Provincial Legislatures and the Central Legislature with the Provincial Governments and the Central Government is one of the most important steps that must be taken before any great advance can be made in the direction which is so dear to the hearts of many in this House. It therefore becomes necessary that we should scrutinise with some accuracy the arrangement which exists under the present constitution, and here I should like to make it quite clear that Dr Datta was apparently arguing on the analogy of the Australian constitution. There is no such analogy. You may have divided spheres of legislation in several ways. It is not for me at this moment to contend which is the best or the right one. It is sufficient for me to explain what the system at present adopted under our own system is.

Dr. S K Datta May I interrupt, Sir? I did not contend that there was any analogy. I held that in our constitution there was this grave omission.

The Honourable Sir Alexander Muddiman Well, Sir, it may be so. The Honourable Member will perhaps permit me to proceed in my own way. The present arrangement is this. You may define the subjects which the Provincial Legislature may take up by Act or statutory enumeration or in any way you like, and you may leave the remainder to the Central Government. That is a method which, if pursued, leads to litigation to an extent which is almost intolerable. It nearly always results in the first point being taken on every appeal that the provincial Act was *ultra vires* of the constitution. You may also proceed as in India, whereby there are certain subjects where previous sanction is required. The previous sanction is not of the Governor General in Council, but it is the previous sanction of the Governor General.

Mr A Rangaswami Iyengar. That is the mischief.

The Honourable Sir Alexander Muddiman. That may be so, Sir, but that is not the point we are discussing at present. I am merely pointing out that that sanction, which is necessary for a Provincial Legislature to get seisin of a Bill such as this, was given. That sanction having been given, the Provincial Legislature proceeded to discuss the Bill and discussed it under circumstances which are far more favourable to the consideration of its details than can possibly be the case in this House. They discussed it at great length. They enacted it by a considerable majority. And now I should like to refer the House to a document that is often quoted—I refer to the report of the Joint Select Committee in which they laid down that in provincial matters which are reserved where the Provincial Government and Legislature are in agreement they should ordinarily be allowed to prevail. Whether that is or that is not a complete and exhaustive statement of the constitutional relation I am not prepared to say, but it is, at any rate, an authoritative pronouncement which merits attention. I do not place it higher than that. Therefore, I say that it would have been an extremely strong step for any authority having before it a Bill of the provincial Council duly enacted, duly assented to

by the executive Government and by the executive authority who is empowered to give final assent in India to interfere. This Resolution in effect asks us to revise the deliberate judgment of a provincial Legislature on a provincial subject after the sanction required by the law had been duly obtained, and therefore, both on the merits and the constitutional position, I trust the House will consider very carefully before it passes judgment on this very important Resolution.

Mr A Rangaswami Iyengar May I know whether, in regard to this previous sanction given by the Governor General under the previous sanction rules, the Government of India have not had instructions generally issued to Provincial Governments as to the manner in which previous sanction should be obtained in respect of laws which have got to be previously sanctioned by the Governor General, and whether these instructions were followed in this case?

The Honourable Sir Alexander Muddiman I do not know what the Honourable Member wants. I have not the faintest idea of contending that the sanction required by the previous sanction rules is not the sanction of the Governor General. If he is inquiring of the procedure, the sanction required under the previous sanction rules is the sanction of the Governor General.

Mr A Rangaswami Iyengar I want to know whether there are any set of instructions issued by the Government of India to the Local Governments in regard to obtaining this previous sanction.

The Honourable Sir Alexander Muddiman My Honourable friend behind me is more familiar with these details and if he is in possession of them he will be able to supply the answer. I was endeavouring to point out to the House that while I in no way attempt to defend the individual provisions of this Bill,—that is no part of my business and I suggest it is no part of the business of this House to consider them—I assert that on the merits there is nothing unreasonable or improper in a Provincial Legislature in taking action against criminals coming from other provinces where special conditions exist. I cannot admit that that is in any way an infringement of the ordinary right of free movement which I agree with Dr Datta should exist between provinces under one Central Government. I do not admit that there is any infringement in this case. I contend that constitutionally this House would be wrong, it would be taking a very dangerous step if it attempted by its verdict on this Resolution to indicate that it is prepared to revise an Act of a Provincial Legislature which has been passed by a large majority in that Provincial Legislature. On these grounds I am afraid I must, though reluctantly, oppose this Resolution.

Pandit Motilal Nehru (Cities of the United Provinces Non-Muhammadan Urban) Sir, I have been waiting with all the patience that I could command to listen to the Honourable the Home Member upon this Resolution and my patience has at last been rewarded. But I must confess to a sense of disappointment at his reasoning when I heard him. The way in which he dealt with the question would no doubt do credit even to a man of my profession, but the case was so hopelessly bad that he could not even preserve the semblance of a plausible argument in support of it. My Honourable friend divided the question before the House into two parts. One related to the merits and the other to the constitutional issue involved. He first took up the question

on the merits and I must here admire the way in which he dealt with it. He said, 'I am now going into the merits', and he ended by saying that it is not for this House to go into the merits of the Bill at all because he said we were not sitting in judgment over a provincial Council, and that it was the business of the provincial Council alone to go into the merits.

The Honourable Sir Alexander Muddiman The details

Pandit Motilal Nehru. The details, if you like. You say that it is the business of the provincial Council and that we are not concerned with them. Well, Sir, when we are attacking a legislative measure as a most atrocious one as I have not the least hesitation in calling it, we cannot justify ourselves unless we point out to the House the grounds upon which our charge rests. It is impossible to do so until you examine some of the leading provisions of the Act. Therefore, I submit that we are perfectly within our rights in criticising the various sections of the Act to show that it is a measure which will be a disgrace to any civilised Government. Let us now consider the arguments on the merits which have been advanced. The first is "Oh, let us not meddle with this Act, we are entirely ignorant of the conditions in Burma, we do not know what the Burmese Government, I mean the Government of Burma—I wish I could call it the Burmese Government,—we do not know what dangers this Government of Burma, such as it is, is confronted with." My answer is let it be confronted with all the dangers in the world, there can be no justification whatever to pass such a lawless law as this is. We have to examine the law on the merits and if human ingenuity and legal acumen have failed in other parts of the world to discover a remedy except expulsion in cases like this, we are not ready to credit the Government of Burma with having made a new discovery in the art and science of legislation. What is the next point? My Honourable friend says the Bill was introduced by the Home Member who was himself a Burman. Now, without any disrespect to my Honourable friend, I suppose it is rather late in the day for him to doubt that we consider Home Members with mixed feelings. Whether he is in Burma or in Delhi, and whether he is an Indian or not does not matter in the least. The third argument on the merits was that the three Burma Members in this House have spoken, out of whom two have opposed the Resolution and the third supported it. The Honourable the Home Member doubts the representative character of one who has supported it. Now, Sir, I call your attention to that argument and I put it not only to the House but to you also, whether it is at all constitutional to challenge the representative character of one Member by another Member of the House. I consider it is contrary to the etiquette of any house of representatives. However, there he is, elected by his constituency and he has as much right to speak as any other elected member which right, I submit, stands on a superior footing to that of any of those who occupy and grace the Government Benches. Then my Honourable friend said "Well it is a special measure against outsiders" and he met the argument of my Honourable friend Diwan Bahadur Rangachariar on the ground that there was no analogy really between the case of a Scotchman in London and an Indian in Burma because he presumed that the Scotchman probably knew English. Well, Sir, if ignorance of the language disqualifies a person from entering that country or remaining in it

The Honourable Sir Alexander Muddiman I must interrupt the Honourable Member. I did not suggest that ignorance of the language disqualifies a man from entering the country. I said it might create more difficulties in dealing with crimes by the indigenous police. That is my argument.

Pandit Motilal Nehru Do I understand the Honourable the Home Member to mean that crime which consists of acts has a language of its own? I can understand him if I take his remark with the observations of my friend Mr. Brijin Chandra Pal. There indeed language is of the greatest consideration. Is it the aim and object of the Bill—or one of the aims and objects of the Bill—to get hold of people in Burma and those who go from this country to Burma to educate the Burmans in their political rights and expel them from the country if they address them in a language which the Burmans understand all right but perhaps the officials there do not? Sir, I submit that there can be no reasonable ground to put ignorance of the language of the country as a crime over and above the actual criminal act.

The last argument was: Look at the Goonda Act? This is not the first Act of the kind. Now, Sir, it is not for me to defend the Goonda Act. My answer is a short one. I say that two wrongs do not make one right. If the Goonda Act is wrong and if any Member from Bengal will bring it before this House in the proper manner, I hope this House will be very glad to go into it. But, as a matter of fact, I see nothing in the Goonda Act which is analogous to the Burma Act which we are considering. The Goonda is defined to include a hooligan or a rough. I see no mention of a Bengali or of a non-Bengali or of any race in the definition.

Mr. H. Tonkinson See section 6, clause (b).

Pandit Motilal Nehru. That has nothing to do with his being or not being a *goonda*. In certain cases a certain special procedure is adopted instead of sending the man out of the province. That section has no bearing at all.

Now, Sir, my short answer is that two wrongs do not make one right. Besides, I see that there is absolutely no racial distinction except perhaps in the manner of treatment as to where the man is to be sent after he is found to be a *goonda*. I am not concerned with that. The Bill was passed by the Bengal Legislative Council and it is a good law so far as the area to which it applies is concerned.

Now, Sir, let us see what the real merits of the question are. These are all the arguments that have been advanced by the Honourable the Home Member on the merits. But when I go into the merits, I must look into the provisions of the Act itself. And what do I find there? The very first provision that stares me in the face is the definition of a non-Burman, which is as follows:

"A non-Burman means any person neither of whose parents is or was a member of the race indigenous to Burma and who, in addition, is not himself domiciled in Burma."

Here we have a definition of a non-Burman which includes a Burman because a non-Burman is a man who is not only a non-Burman but being a non-Burman has also not acquired a domicile in Burma. Well that as has been pointed out by my friend, Mr. Rangachariar, is a new invention or new discovery in the law of domicile.

If a man has acquired a domicile in Burma he is not for the purposes of this Act a Burman. He must also be the son of a Burman father or mother, one of the parents must be a Burman otherwise he is a non-Burman. It says

"any person neither of whose parents is or was a member of a race indigenous to Burma, and who in addition is not himself domiciled in Burma"

that is to say that the two conditions must co-exist that he must be a person who is not born of Burman parents and must not in addition have acquired a Burman domicile, that is to say if he has acquired a Burman domicile it is not enough. He must also be the issue of a Burman. However, Sir, let us read this in the light of my Honourable friend Mr Rangachariar's illustration of Scotland and England. I shall read the section substituting Englishman for Burman

"A non Englishman is any person neither of whose parents is or was a member of a race indigenous to England, and who in addition is not himself domiciled in England"

I should like a definition like that to be put before any English lawyer and have his opinion on it. (*Some Honourable Members* "And a Scotch lawyer. What about the Scotch Home Member?")

Now, Sir, the real difficulty in this is, as has been pointed out by previous speakers, that this is an inter-provincial Bill which the Legislature of one province has taken upon itself to pass. This I say in answer to the remarks made by my learned friend on the constitutional issue. I say that the mere fact that in dealing with certain matters it is necessary for a provincial Legislature first to obtain the sanction of the Governor General and then deal with certain matters does not invest that Legislature with any finality about the law it may enact. The Central Legislature is not deprived of its authority and the fact that the Governor General has given assent cannot, if I may use the language of lawyers, operate as an estoppel against us to consider whether it was a right decision or not. That being so, I say there is no bar to our coming to a decision on this question at all. What does this legislation amount to, what is the sum total of it? It is simply this. There are certain offences made punishable by the Indian Penal Code. There are certain punishment provided for these offences. The Burma Legislature says, "Quite true those are offences punishable by the Indian Penal Code and the Indian Penal Code provides punishments, but we in Burma will impose further punishments on such persons as may incur our displeasure as may come within a certain artificial definition which we are giving." What is expulsion but an additional punishment? And I say that it is really an amendment of the Penal Code by introducing an enhanced punishment for certain offences for which there is absolutely no warrant in the Penal Code itself. Now, Sir, when the analogy of South Africa was given by my friend Mr Rangachariar, my friend the Home Member took a very serious view of it and he was quite right in doing so. It is really a very serious matter. But no amount of disassociation of Government from this analogy will save them. I say there is no getting out of it. You who profess much righteous indignation at the treatment which the South African Union Government proposes to accord to us, you who profess so much sympathy with us, you who claim to have as strong feelings as ours on the subject and assure us that you are fighting our battles in South Africa, what answer have you to the charge that you, in your own jurisdiction, in the territories administered by yourself are doing something which is not worse than what the South African Government is doing.

The Honourable Sir Alexander Muddiman. Not worse?

Pandit Motilal Nehru I say not worse, it is equally bad

Colonel Sir Henry Stanyon (United Provinces European) The African Indians are not criminals

Pandit Motilal Nehru You say here, " We are dealing only with criminals, the South African Government is dealing with all Asiatics, " but no one at this late hour of the day will be satisfied by being told you are dealing only with offenders. That is the stock argument of the bureaucracy, why are you afraid of the Ordinance, surely the Ordinance is not intended for any but those who are guilty, or those who are dangerous to society? And yet we know, and have had the sad experience of knowing, most of us personally that it has been resorted to in the case of persons whom the whole country believes to be as honest as any one else. However that is no answer to the charge. The criminal too as a criminal, Sir, has certain rights and the law is as jealous of protecting criminals as innocent persons. You have no right to treat a criminal as a worse criminal than he really is, and when you do so you are simply extending the criminal law of the land to an extent for which you have no warrant. Now the real fact is that we in this House, at least I personally, look upon this legislation by the Legislative Council of Burma as merely the thin end of the wedge. We do not know what is coming next, but I feel that there is something which is coming next and we must nip this mischief in the bud. Sir, one is now tired of speaking of disabilities within the Empire, and now we have been supplied with a new topic, disabilities within British India and Burma. I do not think that the language used by my friend Mr Rangachariar was a bit too strong for the occasion. The most peculiar argument that has been addressed to us is you who are claiming provincial autonomy, is that the way that you would give provincial autonomy to your provinces when you are going to interfere with their legislation in this manner? That argument, Sir I say adds injury to insult. You have a thousand arguments for withholding provincial autonomy. When it comes to our questioning the jurisdiction of a provincial Legislature, you say that because we claim provincial autonomy we must accept provincial legislation as if it had autonomy. Why? Because it has passed a law which has received the assent of His Excellency the Governor General. That is the whole argument. I need not deal with the arguments of the Honourable Members from Burma. My friend Mr Tok Kvi has shown that there is nothing in the assertion that the Burmans voted for the measure and that it was only non-Burmans who voted against it. We know the reason for that. It is common knowledge how the Councils were constituted at the time.

Now, Sir, I do not wish to take up the time of this House any more. I will simply ask the House, I will appeal to all Members, Indian as well as European, to vote solidly in support of the Resolution. This law which is sought to be upheld by the reasoning advanced here to day is nothing short of a monstrosity.

*Mr M A Jinnah Sir, I listened to the speech of the Honourable the Home Member on behalf of Government when he entered into this constitutional question. He said that according to our present Act what was done according to him, was perfectly authorised and I see, Sir, that the previous sanction of the Governor General was obtained under sub-section (5) of

section 80A of the Government of India Act Well, Sir, I do not wish now to discuss this constitutional question, but if Honourable Members will look at the section it is extremely doubtful whether such a sanction can be given, or even if it can be said with authority that it is valid for this reason The Honourable Member said that the Provincial Government is within its rights to legislate so far as the provincial Legislature is concerned, but in this particular case it will be admitted that this legislation goes outside the province inasmuch as it affects every British Indian throughout India and every British Indian comes under this Act which has been passed by the Burma Legislature Now, Sir, that undoubtedly is a central subject and I personally feel very grave doubts whether sanction can be given under the provisions of sub-section (3) of section 80A I have tried carefully to consider the matter as far as I can, and I do not find under what sub-clause of sub-section (3) such a sanction can be given But, I will assume for the purpose of my argument that I am wrong Sir, does it lie in the mouth of the Honourable the Home Member, speaking on behalf of the Government of India, to say that although the local Legislature would not have undertaken this piece of legislation without previous sanction, that although the Governor General was pleased to give his previous sanction, he did so without consulting the Government of India? Did the Government of India examine the case? Did the Government go into the justification before they gave the sanction, because without previous sanction the Burma Provincial Council could not have enacted this law Did you consider all that? I suppose you did I take it as a responsible government you did Now, Sir, what is the ground that is put forward? It is this It is stated in the Statement of Objects and Reasons which was quoted by the Honourable Member from Burma The only ground put forward, as far as I can see, is this

"On the other hand there is a general demand that Burma should not be allowed to remain a happy hunting ground for criminals from other parts of the British Empire and that the powers of removal already possessed in respect of persons twice convicted of the offences of begging and so on should be extended"

Now, Sir, that is the very reason why I asked the Honourable Member who spoke on behalf of the Burma Government this question "You say that this is intended for the purpose of curing that danger, namely, that Burma is made a happy hunting ground by criminals from India Will you tell me how many men, how many Indians were convicted by the courts in Burma for any of the offences which are specified in the Schedule to this Act?" The Honourable Member thought he was very clever, being in the company of the Government of India and sitting there, in giving the answer that he wanted previous notice

The Honourable Sir Alexander Muddiman Surely my Honourable friend does not expect an answer to be given to that sort of question without previous notice

Mr M A Jinnah I do, Sir

The Honourable Sir Alexander Muddiman The Honourable Member is extraordinarily hopeful, that is all that I can say

Mr M A Jinnah It is all very well for the Honourable the Home Member to crack jokes It will not do I maintain here that you gave the previous sanction and without that previous sanction the Burma provincial Council could not have undertaken this legislation

The Honourable Sir Alexander Muddiman If the Honourable Member will permit me to interrupt him, which I dislike exceedingly to do, I would point out that I did not give the previous sanction it is not in my power to give it. On the second point I should like to point out that if the Honourable Member had asked me for those figures I would have tried to obtain them, but it is not reasonable to expect me to carry them in my head.

U Tok Kyi I can give the figures about five per cent of the convicts are Muhammadans and six per cent are Hindus that is among the convict population in Burma.

Mr M A Jinnah Sir, I am much obliged to the Honourable Member, but my quarrel is with the Government of India. I do not wish the Government of India to run away from this debate on the floor of this House. The Honourable the Home Member tried first to say 'Oh, but the Government of India do not give sanction. It is only the Governor General.' We all know that I have known that now ever since the Act of 1919 was passed. But the second proposition is this: was the Government of India consulted? Did you examine this case? Was it not incumbent upon you to do so? You are handing over the power by this previous sanction to the provincial Legislature to do what? To enact a law which not only affects a province but the whole of India. Did you have any materials before you, and what materials were there before you? My Honourable friend the Home Member says "Oh, but you had not asked for it." We have brought this Resolution. We say that you had no business to allow this law to be passed. You ought not to have given previous sanction. Now you justify it. Will you then satisfy us on what materials you gave previous sanction? Nothing. You have not got anything at all. Very well. Then what do we get to? We get to this, Sir. It is suggested on this side that your whole object was not to deal with cases of habitual criminals, it was not intended to deal with criminals, but it is suggested, and not without some reasons and grounds, that your intention was to hold the sword of Damocles over those men whom you thought to be undesirable in the political world of Burma. And, Sir, you have got section 124A included. You have got section 153A included. What are they intended for? For habitual offenders? Are the men who make Burma their happy hunting ground to be called criminals and are they to come under sections 124A and 153A? Why have you included those sections? Sir, this law is a most dangerous law for any man who wants to carry on his public and political life in Burma. What will happen? I put it to this House, what will happen? Supposing there was a man carrying on his business or profession as a doctor, as a lawyer, as an engineer or as a merchant, and if he happened to make a speech and if it happened to fall under the terms of section 124A, he is convicted, although he has been there carrying on his business lawfully and peacefully, but if he happens to make a foolish political speech which brings him under the terms of section 124A, would he or would he not be expelled under this law? I see Mr Tonkinson shakes his head, he has not understood.

Mr H Tonkinson May I explain Sir? A single conviction under section 124-A, does not make him liable to be expelled.

Mr M A Jinnah. I never said a single conviction. Supposing a man makes two such speeches, he will be expelled from Burma.

Mr H Tonkinson He is liable to be expelled.

is on the ground that Burma is infested with criminals. That is a very different thing altogether. Burma forms an integral part of India. The South African question, I agree, stands on a very different footing altogether and I would rather not drag that into the issue with which we are concerned this evening.

MR J W BHORE (Secretary, Department of Education, Health and Lands) Sir, my intervention in this debate, which will be very brief, is directed to one specific point. I am not concerned, Sir, with the merits or the demerits of this Act. I am not concerned with the necessity or otherwise for this measure, but what I am concerned with, equally with every Member of this House, and equally with every person outside it, who has the interests of Indians in South Africa at heart, is the suggestion which has come from two or three Members during the course of the debate that the continuance of this Act on the Statute book is calculated to lend support to anti-Indian legislation abroad. Honourable Members will realise that I have stated the proposition in terms much more restrained than those which were employed by Honourable Members who referred to this matter. But in whatever terms it is stated the idea is one which I must try and do my best to dispel. The first point that I would like to make is that this Act is not discriminatory as against Indians so far as the penalty of expulsion is concerned. Sir, if my Honourable friend from Burma who sits behind me or my Honourable colleague who sits on my left also from Burma, choose to place themselves within the clutches of the criminal law, in regard to certain offences and had not the ingenuity to escape they, no less than I or my Honourable friends on the opposite side, would be liable to expulsion under this Act. Now, Sir, the main point of our objection to anti-Indian legislation abroad has always been that it seeks to impose special disabilities upon Indians, *qui* Indians or *qua* Asiatics, and I submit there is nothing in the principle of this Act which will blunt the point or lessen the force of the objection which we have always urged to anti-Indian legislation abroad. (Hear, hear) Then, Sir, against what class of persons is this Act directed? It is directed against persons who have committed certain offences against the criminal law of the land. Now, Sir, is there any one in this House who places the case of Indians in South Africa no higher than that? Indians in South Africa are not criminals (*An Honourable Member* "It is a question of degree.") They have broken no criminal laws, they have transgressed no requirements of law and order. They are loyal subjects of His Majesty. They are law-abiding citizens of the Union who by their thrift and by their industry and by their toil have added to the wealth of the country which they have chosen to make their home. (Cheers from the non-official Benches) It is a matter of deepest regret that it should have been necessary for me to get up in this House to point out that there is a world of difference between this Act, which deals with people who have been convicted under the criminal law of the land and an Act, for instance, which says to a law-abiding British citizen in a British Dominion that because you are an Indian or an Asiatic you shall not reside except in a specified locality, that you shall not trade except in a specified locality, and that you shall not acquire property except in a specified locality. Sir, during the course of debate when the tide of feeling runs high we often

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Mr. M A Jinnah The Honourable Member admits that if the man makes two such speeches he will be liable to be expelled from Burma. I dare say you would like to expel him even if he made only one speech. I admit that you have given him two chances, but my point still remains. The District Magistrate will report and the Local Government will say to a man that he has made two speeches which are objectionable and he must suffer for them. The District Magistrate may say "You have been a lawful citizen, you have been carrying on your business for 15 years, it does not matter. You are a criminal, you are a habitual offender, you want this place to be a happy hunting ground, and I will not allow you." I say, Sir, the merits of the Act are obvious.

Now, Sir, the Government first of all gave their previous sanction. The Government have put forward no materials to make out a case as stated in the Statement of Objects and Reasons. But we go further and ask, why did you give your assent? Again, it was said that the Governor General gave his assent and the Honourable the Home Member had nothing whatever to do with it, he never knew anything about it.

The Honourable Sir Alexander Muddiman Of course he did, but he did not give the assent.

Mr M. A Jinnah By "you" I mean the Government of India. The Government of India knew perfectly well, they must have had sufficient materials before them. Did you not see what opposition there was to this Bill? What materials had you? Why did you not then advise the Governor General not to give his assent? If you did not so advise him, you failed in your duty. I ask now what right had you to give the assent? I say I dispute the soundness of the assent being given by the Governor General. Am I not entitled to appeal to a higher authority under the constitution? Even the Governor General is not the last word under the Government of India Act. We in this House stand on the floor of this House, and we say "Never mind, the Governor General was wrong in giving his previous sanction. The Government of India failed in their duty in not advising the Governor General properly." We appeal now to the highest tribunal that this Act should be disallowed. That is our case and I am sure that my European friends also will realise that this is a most dangerous Statute in principle, and in its provisions and I ask them not to support the Government. The Honourable the Home Member said that the Home Member in Burma agreed with this principle and that he was a son of the soil. But we know what Home Members are. (Laughter) They have no individual opinion.

Mr R K Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot Non-Muhammadan Rural) They have no home.

Mr M A Jinnah They have no individual conscience. What is the good? I am often very sorry for my friend the Honourable the Home Member. But he represents the Government. What can he do? He has got to carry on. So, Sir, this argument is of no use and I hope that every one will really vote in favour of this Resolution. We do appeal to the highest authority even now to disallow this Act.

I will only say one word, Sir, before I sit down. I see the distinction between this measure and the situation in South Africa. I will not put both on the same footing. There is a very great difference between the two. Here, the case that is sought to be made against us on the merits

is on the ground that Burma is infested with criminals That is a very different thing altogether Burma forms an integral part of India The South African question, I agree, stands on a very different footing altogether and I would rather not drag that into the issue with which we are concerned this evening

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Mr J W Bhore (Secretary, Department of Education, Health and Lands) Sir, my intervention in this debate, which will be very brief, is directed to one specific point I am not concerned, Sir, with the merits or the demerits of this Act I am not concerned with the necessity or otherwise for this measure, but what I am concerned with, equally with every Member of this House, and equally with every person outside it, who has the interests of Indians in South Africa at heart, is the suggestion which has come from two or three Members during the course of the debate that the continuance of this Act on the Statute-book is calculated to lend support to anti-Indian legislation abroad Honourable Members will realise that I have stated the proposition in terms much more restrained than those which were employed by Honourable Members who referred to this matter But in whatever terms it is stated the idea is one which I must try and do my best to dispel The first point that I would like to make is that this Act is not discriminatory as against Indians so far as the penalty of expulsion is concerned Sir, if my Honourable friend from Burma who sits behind me or my Honourable colleague who sits on my left also from Burma, choose to place themselves within the clutches of the criminal law, in regard to certain offences and had not the ingenuity to escape they, no less than I or my Honourable friends on the opposite side, would be liable to expulsion under this Act Now, Sir, the main point of our objection to anti-Indian legislation abroad has always been that it seeks to impose special disabilities upon Indians, *qua* Indians or *qua* Asiatics, and I submit there is nothing in the principle of this Act which will blunt the point or lessen the force of the objection which we have always urged to anti-Indian legislation abroad (Hear, hear) Then, Sir, against what class of persons is this Act directed? It is directed against persons who have committed certain offences against the criminal law of the land Now, Sir, is there any one in this House who places the case of Indians in South Africa no higher than that? Indians in South Africa are not criminals (*An Honourable Member* "It is a question of degree") They have broken no criminal laws, they have transgressed no requirements of law and order They are loyal subjects of His Majesty They are law-abiding citizens of the Union who by their thrift and by their industry and by their toil have added to the wealth of the country which they have chosen to make their home (Cheers from the non-official Benches) It is a matter of deepest regret that it should have been necessary for me to get up in this House to point out that there is a world of difference between this Act, which deals with people who have been convicted under the criminal law of the land and an Act, for instance, which says to a law-abiding British citizen in a British Dominion that because you are an Indian or an Asiatic you shall not reside except in a specified locality, that you shall not trade except in a specified locality, and that you shall not acquire property except in a specified locality Sir, during the course of debate when the tide of feeling runs high we often

were a member of the Empire—one could not consent to such legislation. But in that case perhaps there might have been some justification for it. But so long as Burma is a part of British Empire it is extremely dangerous to allow this precedent to be set up for other provinces to follow and enact discriminating legislation against the people of other provinces. Sir, I fully agree with the Honourable the Home Member that the Resolution we are debating involves a grave constitutional issue. The issue is whether Provincial Legislatures can be allowed to enact legislation of this kind which practically affects all the people of India, and whether this kind of discrimination can be made by one Provincial Legislature against the people of other provinces. We submit this cannot be allowed. The law we are discussing sets up a dangerous precedent. That is one of the reasons why we so strongly object to this legislation not only in the interests of Indians resident in Burma, but also in the general interests of India as a whole. It is said that some time ago similar legislation was passed by the Bengal Legislative Council also, in what is known as the Bengal Goondas Act. Personally I am as much opposed to that law as to the Act under discussion. We do not endorse the principle of that Act any more than we do of this. In my judgment the principle of that law also was open to objection. No legislation should be passed by any Provincial Legislature which affects the people of other provinces injuriously on any ground whatsoever. I have yet to learn that in any country under a federal system of government, where there are a number of states or provinces subject or subordinate to the same Federal Government, the inhabitants of one province or of one state can be allowed to pass legislation of this kind discriminating against the residents of other provinces or other states. All the peoples belonging to one federal country are the members of the same nation and subjects of the same Government. That principle may well be extended to an Empire, but in the case of a country at least, its application cannot be questioned. To ignore it will be practically setting one province against another. This is dangerous, and I strongly object to it regardless of the fact that the Act involves a great insult to the Indian community of Burma, and that it is not in accordance with Burmese public opinion. Burmese public opinion, on this question, is divided, but the Indians are unanimously opposed to it. So far as we in this part of the House are concerned, Sir, under no circumstances can we accept the principle that underlies this legislation. To do so will be to deny that we are a nation inhabiting one country and living under one Government.

Coming now to the case of Indians in Burma, the Honourable Member who represents the Government of Burma told us the other day that it would be impossible to carry on the administration of Burma without Indians. May I ask if this is the reward that the Government are going to give to Indians who have helped in conquering that country and running it? If the British Government and the Burmese people cannot do without Indians, is this the way to treat the Indians in that country? You say that the law is aimed at offenders, breakers of the law, only, but if you see the sections which are scheduled, you will find it is principally aimed at political offenders. All offences against the State are included therein. If an Indian goes to Burma and makes a speech which brings him under section 124A he is liable to be expelled from Burma.

Mr H Tonkinson No

Lala Lajpat Rai: Absolutely yes, please. There is no question of "No". A second conviction can be obtained easily. Even one speech can be made the subject of two convictions. We know that some persons have actually been convicted for two or three offences on the basis of one speech or one document. The fact that there must be two convictions for sedition before a man can be expelled is no safeguard. Take the case of a person who is not a Bengali but who goes to Bengal and makes two speeches and is convicted on two counts under section 121A. Are we to acknowledge that the Bengal Government is entitled to pass a law expelling that man from Bengal simply because of those two convictions? A law of that kind will destroy the very basis of common nationality. I therefore appeal to Members of the House to think very seriously before voting on this Resolution. It is not a trifling matter. If we accept the principle of this Act, and let it go without challenging it, we shall be laying ourselves open to the charge of having accepted that one province can enact legislation of this kind directed against the people of another province. By voting against this Resolution we may be cutting away the very roots of the tree of Nationalism. I therefore beg of the Indian Members of this House to enter a strong protest against this legislation and its principle. I support the Resolution, Sir.

Mr H. Tonkinson (Home Department Nominated Official). Sir, I had heard a great deal about the Burma Expulsion of Offenders Act before this debate began a week ago. I heard a good deal more about it on Tuesday last. I personally had never had an opportunity of examining its provisions in detail until the morning of that day. I did examine them then carefully, and I regret that the time at my disposal will be quite insufficient for me to dispel all the misunderstandings of the scope and of the provisions of this Act which have been manifested in this debate. (*An Honourable Member* "It is over a week now.") I must perforce confine my remarks to a few points only. I regret this all the more because I believe that this House is still prepared to listen to reason, and when it finds that each of the points which have been attempted to be made against this Act can be met point by point, it would be prepared to dissociate this measure from the mass of prejudice raised against it and agree to reject the present Resolution.

I propose now to refer to the principles of this Act in sufficient detail to show how wrong my Honourable friend Pandit Motilal Nehru was when he stated that this Act was nothing short of a monstrosity. Before a person can be expelled from Burma under the provisions of this Act, it must first be established that he is liable to be expelled, and then that it is also desirable that he should be expelled. Suppose the District Magistrate decides to take action against a particular person, he first gives that person an opportunity of calling evidence on both points, namely, evidence to show that he is not liable to be expelled and evidence to show that there is reason why he should not be expelled. The District Magistrate finally comes to conclusions in regard to both points. (*An Honourable Member* "May I ask how the Magistrate comes to conclusions that it is desirable to expel the person?") If the Honourable Member will listen he will get his answer. The District Magistrate finally comes to conclusions with regard to both points, and we may assume he decides them both in the affirmative. He then records in writing his reasons for recommending the expulsion of the person in question. So far we have only got a recommendation, we have not got an order of expulsion. In fact my Honourable friend Mr Amar

Nath Dutt was quite wrong in thinking that the Act gives the Magistrate power to order the expulsion of any body, and my friend, Su Hari Singh Gour was equally wrong when he talked of the unfettered judgment of the District Magistrate. Before the recommendation goes forward to the Local Government, the offender has the right to ensure that the proceedings shall be sent to the High Court, and in that case the High Court has to determine whether the person is liable to be expelled. All the items—and they are several—which are required before liability to be expelled can be established, fall within the competence of the High Court to determine. The reference in the High Court is dealt with as far as possible in accordance with the procedure provided by the Code of Criminal Procedure for the disposal of an appeal, and it is this reference to which I referred the other day when I suggested that the Act did provide for appeals. Any one who wishes to make the point that this is not an appeal from an order of expulsion is welcome to make it. It could not be such an appeal because the order of expulsion has not yet been made. I submit that the point is worth nothing because the recommendation has been recorded and that recommendation cannot go to the Local Government until, if the offender so wishes, the High Court has determined that the man is liable to be expelled.

I now turn to the second point, the desirability of expelling the man. The offender may produce evidence to show there is reason why he should not be expelled. The District Magistrate must record such evidence. The District Magistrate comes to a conclusion upon that and makes his recommendation. The case may come back with the finding of the High Court that the man is liable to be expelled. The recommendation must then go to the Local Government, and it is the Local Government which finally determines whether the reasons for expulsion are sufficient. I suggest for the consideration of this House that here again we have a real safeguard to prevent the Act being used save in suitable cases. I think myself that these safeguards are real and as a District Magistrate of several years' standing in Burma, and also as a former Secretary to that Government, I think I am justified in alleging that I do not speak without authority. I have referred to these safeguards at some length early in my statement because I wish to impress upon the House how real and how effective they really are, and if I am unable to return to them, I trust that the effective nature of these safeguards will not be forgotten.

Now let me deal with what is required to constitute liability under the Act. It must be proved both that the person is a non-Burman and also that he is an offender. Let me take the question of an offender first. The Act contains two Schedules. The first Schedule consists of more serious offences, and one conviction only under that Schedule is required. The second Schedule consists of less serious offences and at least two convictions of an offence specified in that Schedule are required before a man becomes an offender. I am not concerned now to justify the inclusion of any section whatever in one or other of these two Schedules. I will, however, suggest to the House that a careful examination of the list of offences in the Schedules suggests that the principle upon which the lists were prepared is that of including all really serious offences in one or other of the Schedules. I admit that section 124A is included in the Second Schedule, but an examination of the Schedules leads to the inevitable conclusion that they were not prepared with the object of expelling politicians. I admit, however, that I am not surprised at the objection which

has been taken to the inclusion of section 124A. Now I am not going through all these sections, but I must say that there is no justification for the statement of Mr Amar Nath Dutt that very few of the sections of the Indian Penal Code have been left out. The number of sections included is certainly large, but Honourable Members should realise the number of different entries which relate to cognate offences. For example, in the First Schedule we have no less than eight entries relating to dacoity, in the Second, five dealing with robbery, four with theft, and six with extortion. It is this duplication which is mainly responsible for the large number of offences. In addition to the two Schedules, we have also persons who are proceeded against because they are definitely habitual offenders. In all the cases, whether included in the First or in the Second Schedule, or whether they are cases of habitual offenders, the men must have had final convictions which have not been set aside on appeal or revision. The House will therefore, I trust, agree with me that no one can be proceeded against under the Act who has not been found to be a criminal either once or twice, as the case may be. If objection is taken against any of the sections included, then it is quite open to any Member of the Burma Legislative Council to introduce a Bill in that Council for an amendment of the Schedule. I invite the attention of my Honourable friend Pandit Motilal Nehru to the fact that, though the Act was passed by the first Council, we have now got the second Burma Legislative Council, the elections to which were not boycotted, and it is a Member of that Council who can introduce a Bill to provide for the omission, say, of section 124A, or of other sections which are objected to.

Pandit Motilal Nehru You can always find one Member in any Council and even in this House to do that.

Mr H Tonkinson The same point arises in connection with the first suggestion of my friend Lala Lajpat Rai this morning.

I now come to a more important point. Before a man is liable to be expelled from Burma under the Act, it must be proved that he is a non-Burman under the Act. To be a non-Burman a man must fall into neither of two classes. If he falls into either of these two classes then he is not a non-Burman, that is to say, he is not liable to be expelled under the Act. These two categories consist of, firstly, persons whose father or mother belonged to one of the races indigenous to Burma, that is to say such races as Burmans, Shans, Karens, Kachins and so on. The second class consists of persons who are domiciled in Burma. In this connection I must correct a palpable mistake made by my Honourable friend Pandit Motilal Nehru. He said, I quote his exact words "That is to say if he has acquired a Burman domicile it is not enough, he must also be the issue of a Burman." Actually, however, in order to be not liable under the Act, that is to say to be a Burman for the purposes of this Act the definition does not provide that two conditions must co-exist, but that either of two conditions must exist. If one of them exists, it is sufficient to take a man out of the class of non-Burman to which the Act applies. As regards these two classes which are excluded from the operation of the Act, it is not necessary to say more of the class which consists of all those persons who have either a father or a mother of an indigenous Burmese race. The meaning here is obvious. The second class is for our present purposes more important. If any one proves that he has a domicile in Burma, then he proves that the Act does not apply to him.

It is because of this point that I suggest that the House should attach the utmost importance to the provision in the Act for a reference to the High Court. There is no definition of the word "domicile" in the Act.

Mr Gaya Prasad Singh (Tuhut Division Non-Muhammadan) Why should there not be?

Mr H Tonkinson That is what I am coming to. My Honourable friend, Sir Hari Singh Gou, gave the reasons stated by the Select Committee for not attempting to define the word. They were briefly to the effect that they were of opinion that domicile could not be defined. Sir Hari Singh Gou supported the Committee in what they said on this point when he said that the word was undefinable, and if I attempt to adduce other authority for this position, it is not to derogate from that of my Honourable and learned friend. One of the most distinguished writers upon the question of domicile, Professor Dicey, in his classical work on the Conflict of Laws, sums up the position as follows:

"English judges have certainly not underrated the difficulty of defining the word 'domicile.' Their language on the contrary generally points to the two conclusions, first that a satisfactory definition of domicile is, from the nature of things, unattainable, and secondly that, even if the term be definable, every attempt to obtain a serviceable definition has hitherto ended in failure."

That was the view that Professor Dicey stated had been taken by the English judges, though he was not prepared quite to acquiesce in that view himself. The fact that it is difficult to state concisely what is meant by domicile is not, in my opinion, a sufficient ground for taking the strong objection to the use of the word which was taken by Sir Hari Singh Gou. He objected to using an undefinable word in a Statute at all. The word is, however, used in Acts of the Indian Legislature, it is used very many times indeed in an Act passed by this Legislature not longer ago than last September without a dissentient voice. The fact is that, though the word cannot be defined within a very short compass, it is a term of art, it does mean something, and there are long series of rulings of the High Court in England, discussions by writers on Private International Law and so on, all of which would be open to the High Court of Rangoon when they are called upon to decide as to the application of the word in any particular case which may arise under this Act. Now what does the word mean? As stated by Lord Westbury in *Bell v Kennedy*

"Domicile is an idea of law. It is the relation which the law creates between an individual and a particular locality or country. To every adult person the law ascribes a domicile, and that domicile remains his fixed attribute until a new and different attribute takes its place."

That, of course, is not a definition. I have not, in fact, time to repeat the very complicated definitions with their qualifications given by Professor Dicey, but as a simple definition I may mention that given by Savigny, namely

"That place is to be regarded as a man's domicile which he has freely chosen for his permanent abode and thus for the centre at once of his legal relations and his business."

The main ideas underlying domicile are that it is the person's permanent home or the country in which he has an intention of residence (*An animus manendi*).

Mr C S Ranga Iyer (Rohilkhand and Kumaon Divisions Non-Muhammadian Rural) Country, not province?

Mr H Tonkinson Country I am coming to that in a moment. I am afraid it would be impossible for me in the time at my disposal to place before this House leading cases to prove how the various allegations as to the classes of men who have been said to be liable to be expelled from Burma under this Act are inaccurate. Let me however merely correct a few such allegations. My Honourable friend Mr Amar Nath Dutt said the word 'non Burman' applies to Indians even if they have resided in the country for generations and have occasionally come to India as a sort of pilgrimage to the land of their ancestors. Let me assure my Honourable friend that he is quite mistaken. Those Indians have an *animus manendi* in Burma. The fact that they come occasionally to India does not shift their domicile. He also referred to settlers from Chittagong in Akyab who carry on agricultural pursuits there and so on. Let me assure him that those Chittagomians who have settled in Akyab have their domicile in Burma. And so one could go on but time does not permit.

I must, however, refer to the ideas of my Honourable and learned friend opposite in regard to the nature of domicile. He seemed to think that it was absurd to talk about a domicile in Burma. He said in fact "I have got my domicile in India, I have my domicile in every part of India." Let me venture to suggest a doubt to my Honourable friend as to whether he is correct in assuming that he has a domicile, in the legal sense of the term, in every part of India. The word "domicile" is applied to residence in a country or territory subject to one system of law. That is to say, it is applied to countries in the legal and not in the political sense. Thus the British Empire consists of a large number of countries in the legal sense—England, Scotland, Northern Ireland, Southern Ireland, the Isle of Man, the different Dominions, Provinces, States, Colonies, etc. These are quite separate countries in the legal sense and the term "domicile" can be applied to each of them. Our law books are of course filled with rulings upon questions of English, Scottish and Irish domicile. Burma also, having a separate Legislature which makes its own laws is, I would suggest, a separate country in the legal sense.

Pandit Motilal Nehru May I point out to the Honourable Member that the Scottish, Irish and English domiciles have pure reference to the personal law of the individual, and not to the criminal law of the land?

Mr H Tonkinson It is the law of domicile that I am trying to explain. I could cite leading cases in which, for example, the question turned upon whether the domicile was in the State of New York or in any other State of the United States of America.

Diwan Bahadur T Rangachariar (Madras City Non-Muhammadian Urban) For what purposes?

Mr H Tonkinson Now if we think of India as a Federation, shall we say, in embryo?

Mr Devaki Prasad Sinha (Chota Nagpur Division Non-Muhammadian): That is not a legal term.

Mr. H Tonkinson: Then can we say that a person has his domicile throughout India? Each person has a domicile, I suggest, in one of the provinces of India because each province is a country in the legal sense of the term. If this is so and I only suggest a doubt because I can only prove up to the hilt that this is so in the case of different States in the United States of America and different States in the Commonwealth of Australia, then it is more proper—more proper, I suggest—to speak of domicile in Burma than domicile in British India. In any case it is quite possible to do so, for following the statement of Lord Westbury, the word expresses a relation between a man and a locality, Burma. Burma in fact as a province of India corresponds in this respect, I submit, to the States of Australia. To conclude as regards this point there can be no doubt that the necessity of proving non-domicile in Burma before liability under the Act can be established does constitute an important restriction upon the operation of the Act.

I am afraid time does not permit me to endeavour to take up many points which have been raised in the debate. I regret for example that I am unable to follow Mr. Jinnah in his suggestion that the Act is *ultra vires* of the Burma Legislature, on the ground of extra territoriality or that there is anything legally defective in the sanction accorded to the Bill. Judging from the discussions of yesterday it takes much time to convince my Honourable friend of his errors though they are errors, but I am sure I could convince him in a calm atmosphere outside. I regret also I cannot attempt to deal with the strange views of my Honourable friend Sir Hari Singh Gour as to the extent of the application of the principle of asylum. No one here now will think it necessary, after the speech of my Honourable friend Colonel Owens, that any one should endeavour to refute the suggestion that the Burma Government are so blind to the interests of Burma as to desire to exclude Indians from Burma. They would be more foolish still if they thought they could do so under this Act. There is one point and a very important point which I should like to deal with, and that is the constitutional point raised by my Honourable friend Dr. Datta. The point was also referred to by my Honourable friend Lala Lajpat Rai this morning. Briefly this is the point dealt with in section 117 of the Australian Constitution, namely, a subject of the Queen (King now) resident—or shall we say domiciled?—in one State shall not be subject in any other State to any disability or discrimination which would not be equally applicable to him if he were a subject of and domiciled in such other State. I have repeated practically the wording of section 117. This is a question which I may remind my Honourable friend evoked very long discussions in the Assemblies which prepared the Australian Constitution. The restrictions upon its operation have also been on many occasions before the Federal Court of the United States of America. Now there is one point which I should like to emphasise in the first instance, and that is the greater differences that exist between the provinces in India and between the States either in Australia or in the United States. That is a point which was referred to by the Honourable the Leader of the House and I have not time to do more than refer to it again. The real point here is should one State be able to send back a man domiciled in another State because it finds him objectionable and on the view that each factory should consume its own smoke. Further, if this is admitted, does it constitute any discrimination? On this point I would first appeal to the existing provisions in the Indian Statute Law. The issue does not depend on whether a man is

criminal For some years Burma has, I understand, used a similar provision without any question which gives to Burma power to re-export beggars who are landed on her shores

Diwan Bahadur T Rangachariar What sort of beggars, alien beggars?

Mr H Tonkinson Any beggars Any Indian beggars can be expelled from Burma

Sir Hari Singh Gour (Central Provinces Hindi Divisions Non-Muhamadan) They may be expelled from anywhere

Mr H Tonkinson Then there is the Bengal Goondas Act to which reference has been made My Honourable friend the Pandit and Lala Lajpat Rai said that they objected to that Act Well, the Act is there nevertheless I admit the same categories do not come under that Act as fall under the present Act But the fact remains that persons definitely settled in Bengal under clause (b) of section 6, which my Honourable friend the Pandit was not prepared to discuss the other day, may be directed only to leave the Presidency-town area, whereas a person not so settled can be directed under clause (a) to leave Bengal And not only is this the case with Bengal, there is a similar provision also in Bombay and Bombay can and does expel British Indians from the Presidency, there is a provision in the City of Bombay Police Act, which has been so used—I have some figures with me here for certain years showing the number of people expelled—Bombay does expel North-West Frontier Pathans from Bombay to the North-West Frontier Province

Diwan Bahadur T Rangachariar What is the date of that Act?

Mr H Tonkinson 1902, I believe, or 1904 Now, if these powers are possessed by the Bengal Government and by the Bombay Government, why should they not be possessed by the Government of a province so different from the other provinces in India as is Burma?

To turn to England, my Honourable friend the Deputy President referred to removing a person from England to Scotland Has my Honourable friend failed to notice the Statutes passed one after another during the nineteenth century in England, which enabled one parish to send back to another parish in England, Scotland or Ireland a man who had not obtained settlement in the parish

Diwan Bahadur T Rangachariar That is because of the burden on the rates

Mr H Tonkinson That is exactly the same point, Sir

Lala Lajpat Rai Not at all, there is no comparison

Mr H Tonkinson The principle is exactly the same as that objected to in this Act

Then again as to the question of discrimination with which I have not dealt so far For the purpose of considering the question of discrimination, you must not only take this Act, but you must also take together with it the Burma Habitual Offenders Restriction Act—there is an exactly corresponding Act to the latter Act in force in the Punjab Under it a Burman may be moved from one district to another, and his residence may be restricted to the latter district It can be done in the same way

in the Punjab and if my Honourable friend wishes to object to the criminals from Bellary going to his district of Tanjore I suggest that he should persuade the Madras Council to pass an Act like this

Diwan Bahadur T Rangachariar I will be the last to do that

Mr H Tonkinson The position therefore is that there is no discrimination introduced in this Act, because a Burman can be dealt with under the one Act and a non-Burman under the other Act in exactly the same way

I will now sum up The safeguards in this Act are enormous The introduction of the question of domicile means a great restriction—I repeat in my opinion a correct restriction—upon the operation of the Act The Burma Government are not so foolish as to wish to get rid of Indians from Burma And finally the constitutional point does not arise as there are similar provisions already in force in other provinces, and taking the two Acts together there is no discrimination as against a non-Burman For these reasons, Sir, I oppose the Resolution and I trust that it will be rejected by this House

Colonel J D Crawford (Bengal European) Sir, I do not wish to take up the time of the House to any very great extent, but I desire to reply to the appeal made by my Honourable friend Mr Jinnah on my own behalf and on behalf of some of the Members on these benches, that we should support this Resolution As regards the merits of this particular Act, I have resided myself for some ten years in Burma, and I have no doubt that it is desirable that criminals from one province should not be sent to other provinces My feeling, Sir, is this that to allow one province to bring in legislation against another province or the members of another province is a very dangerous precedent Mr Tonkinson has quoted the position in England, how one parish can take or send its vagrants from other parishes back to those other parishes That is a position that I would like to see in India, but I would like to see legislation which brought in that principle carried through in this House, where Members come from every province That is really the reason why I have risen to speak this morning, to place on record the opinion of myself and of some Members who are with me that we do not desire to see this differential legislation carried out in the provincial Legislature If such legislation is necessary—and I admit that at times it is necessary—then it is our feeling that if it cannot be done under the existing constitution when that constitution comes to be re-examined, the principle that legislation of this nature shall be carried out in the central Legislature, shall be put into force With these words I beg to notify that I propose to support the Resolution

Mr Amar Nath Dutt (Burdwan Division Non-Muhammadian Rural) Sir, I have heard all that has been said on the floor of this House against my Resolution I have heard my friend the new Rao Bahadur Naidu I was no doubt pained to find an Indian supporting an Act like this But I was consoled when I remember the last New Year's Honour's list Then, Sir, we were told that the representatives of Burma in this House were also in favour of this Act Who are those representatives? Certainly Rao Bahadur Naidu is not one of them Certainly my gallant friend over there, the representative of the Burma Government, is not a representative of Burma itself There are two Burmese gentlemen in this House One of them said that he was in favour of this Act and he gave his reasons to

which I shall presently refer and the other gentleman was opposed to it. Now, Sir, the Member of this House who spoke against this Resolution had a mandate from those who supported his candidature and it was his maiden speech. The only reason given by him for opposing this Resolution was that there were 56 Members who supported the Bill in the provincial Legislative Council and 15 who opposed it. Now if you closely analyse the division list you will find not a single Indian amongst those 56. Those 56 comprised members of the Burma Government and those who were in favour of an Act like this, while the solid representatives of the Indian communities were against this enactment. So I ask you if you have followed communal representation everywhere in the interests of the minority, I ask the Government of India what they are going to do to protect the interests of the minorities in Burma. Then, Sir, I have heard the official platitudes and also the threats from the lips of a Member who represents the Government of Burma here. He said that the Burman people were not tolerant of any interference and that we will incur their resentment. Now, Sir, I do not know what is meant by the Burman people not tolerating any interference by us. Probably they are taking shelter under the same plea as the Union Government wants to take by saying it is one of their domestic concerns in which no one has the right to interfere. As has been said by Colonel Crawford, it will be setting one province against another and when the interests of several provinces are concerned and it was necessary for the Government to have a law like this, it ought to be introduced in this House where all provinces are represented. This view of Colonel Crawford's finds support from that great jurist, Sir Henry Stanyon. We have also been told that if there is any separation of Burma it will be on economical and not on racial grounds. I do not understand what is meant by this. But the meaning perhaps is that Burma can afford to maintain herself without any aid from Indian finances, and also can ward off the enemies at its door without help from the Indian army and the Indian Navy. I have no objection to Burma being separated from India, but so long as it continues to send its representatives to this House, and so long as it is considered to be part and parcel of the British Indian Empire, I think such questions do not arise. Who was it that brought the Burma Government within the British Indian Empire? It was the Government of Lord Dufferin. I was a mere boy when this annexation of Burma took place, but I remember my grandfather reading the newspapers to us and telling us of the misdeeds of the British in Burma and why they annexed Burma to the British Indian Empire. I submit it is the same thing which prompts you to do this thing here. I will not say what it is. Sir, it was said that the Honourable Member from Burma was quite satisfied that it was not to exclude Indians that this enactment was enacted. May I ask, if it was not the Indian, for whom it was intended? He certainly cannot give an answer on this point because it was only the Indians to whom this Act applies. We have been asked to have friendship with our next door neighbours when Swaraj comes. Let Swaraj come and we will know how to make friends with our neighbours, but so long as you stand in our way of Swaraj, please do not utter such platitudes.

Now, it has also been said that the best minds of Burma are in support of this enactment. I do not know whether it is really so. Does not my friend Maung Tok Kyi represent the best mind of Burma? Certainly my friend from Madras does not represent the best mind of Burma. I emphatically assert that my friend over there represents the best mind of Burma.

Then, Sir, I am not going to trouble you with the constitutional aspect of the question as expounded by Dr Datta, as also by my gallant friend Colonel Crawford, but, Sir, it has been said by the Honourable the Home Member that we should not sit in judgment on the provincial legislature. Then what are we here for? Sir, we know what powers have been given to these provincial legislatures. We know how things are carried on there with the help of cliques formed by the Treasury Benches there. We know also of the power and offices which you have the power to bestow on individuals. How you get hold of some of the Indian Members to your side to support measures which do not commend themselves to the people of the province.

The Rev Dr E M Macphail (Madras European) Is the Honourable Member in order in reflecting on the Legislatures of the provinces?

Mr President The Honourable Member is not reflecting on any Legislature. He is referring to a certain class of Members.

Mr Amar Nath Dutt We are not sitting in judgment on the provincial Legislatures but are only discussing the desirability of what the Government of India should do in a matter like this when a provincial Legislature has gone out of its way.

Then, Sir, it has been argued by my friend, Mr Tonkinson, that we have a right of appeal and of course he read the Act and wanted to convince us that there was a right of appeal. Sub-section (4) provides that the offender may within 15 days of receipt of copy of the order require the District Magistrate to refer for the determination of the High Court the question whether the offender is or is not an offender within the meaning of the Act. Now let us see what is an offender within the meaning of the Act. It is clearly defined here. An offender means "any person against whom any sentence or order of the nature hereunder mentioned has been passed by any court or magistrate." Now, Sir, as I was submitting, it does not provide any appeal about the matter whether the offender is a Burman or a non-Burman.

Mr H Tonkinson Sir, it does.

Mr Amar Nath Dutt No, I draw the attention of the House to clause 3, "any non-Burman as defined in clause (a) of the preceding section, who is an offender as defined in clause (b)." So it says that any non-Burman, as defined in clause (a) and any offender as defined in clause (b) can be expelled. Then again, as I was submitting, the right of appeal is confined only to see whether the man is an offender. He has been already declared an offender by the judgment of the court, and the High Court has no right to look to that judgment, it has simply to satisfy itself from the records of the case and see whether a judgment has been passed against him so as to bring him within the purview of the word "offender." That being so, Sir, I beg to submit that really no right of appeal has been given by the Act.

Then Sir, objection has been taken to my statement that almost all the sections of the Indian Penal Code are there. Sir, I think I was perfectly right when I stated that, because you will find that, out of the 500 odd sections in the Indian Penal Code, the first 120 can be put out which contains definitions, etc. Then the remaining sections which provide for punishment have a defining section before them and I find after consulting the Penal Code, that it is only the Chapters containing

offences against marriage and offences against documents and criminal breach of contract which have been left out

Sir Hari Singh Gour That has been repealed from the Penal Code

Mr Amar Nath Dutt And that has been repealed from the Penal Code as my friend says So, Sir, I beg to submit that we have not heard anything from the official Benches which compels us to change our opinion about the Resolution which is before the House, and I hope that this Resolution will be carried

The Honourable Sir Alexander Muddiman Sir, I do not think I should have intervened in this debate again but for the fact of two speeches which have fallen from Members on my right My Honourable friend, Mr Tonkinson, with his usual enthusiasm, industry and eloquence, made a very fine speech dealing with the details of the Act (Hear, hear) I am not going to emulate him in going over ground that he has travelled over so satisfactorily I propose to take up a few very short points and to deal with them in a short way In the first place I shall deal with the speech of my Honourable and amiable friend from Bengal, the Mover of the Resolution It was with great satisfaction that I learnt that he remembered that he was a boy He is still somewhat boyish, if I may say so, (Laughter) in his perusal of the Act which we are considering I understand that a stern lawyer like Sir Hari Singh Gour had on several occasions to bring him to a better understanding of the Act I will not deal with that point further I do not think really he has made much of a case there

Now, Sir, I wish to bring the House back to the Resolution so that the House may understand what it is really asking the Government to do That is very important We have had a most interesting constitutional discussion, which has ranged over many subjects, on which I should like to address the House at length It has raised many questions highly important to the constitutional position But what is it exactly that Government are being asked to do? We are being asked either to move the Secretary of State to disallow the Expulsion of Offenders Act, 1925, or, in the alternative, to take immediate steps to introduce a Bill in the Indian Legislature to repeal that Act Now what exactly does that mean? My Honourable friends who have informed me that they have come to vote against this Act, some of them, might hesitate a little before they commit themselves to a proposition of this sort This was a Bill brought forward by the Burma Executive Government, it was brought forward and received the sanction required by law, and I must make the constitutional position perfectly clear, it received the sanction of the Governor General and the assent of the Governor General The Governor General of course did consult the Departments of the Government of India He is not bound to and he is not bound to follow their advice, but I have not the faintest desire to shelter myself behind a legal argument of that kind There has not been in the Government of India, nor could there be, any division on a Bill of this kind My Honourable friend Mr Jinnah thought I was hiding behind a mighty name That is not so, Sir What has been done has been done with the full knowledge of the Home Department No this Bill, as I say, was passed at the instance of the Burman Home Member in the Burma Legislative Council by a large majority It was assented to by the Governor of that Province, it was submitted to His Excellency the Governor General and has been assented to by him and

this Resolution invites me now to take action to nullify that procedure. It has been said, and it is becoming common to say so, that the Legislature which passed this Bill was an unrepresentative Legislature. That is a very common plea taken. Sir, it was said it was an unrepresentative legislature, it was the first legislature, it was a legislature that my friend was not in, when he and his party were not taking part in the debates and therefore it was a legislature which could not pass a valid Act. That is a dangerous doctrine.

U. Tok Kyi (Burma Non-European) On a point of information, Sir. Is the Honourable the Home Member aware that some of the members of my Party are in the local Council now?

The Honourable Sir Alexander Muddiman That is very excellent, Sir, that is not my point, my point was that that was the first Legislative Council. As I say it was passed in that Council, and if we are always going to question the validity of a particular brand of legislature for the time being that passes a Bill then that is an objection which could only be met by this House, at the beginning of every Session, re-enacting all the laws on the Statute-book. I am glad my Honourable friend interrupted me, he brings me on to my next subject. If this Act was passed in the Burma Legislative Council at a time when it was improperly constituted, my friend will be able to get his friends to take up some measure to get this Act repealed or amended in a suitable way, and that is the proper remedy if there is a strong feeling in Burma that this Act is unsatisfactory. It has been said that this is an Act which should have been passed by the Central Legislature. That was, I think, a point urged by my Honourable and gallant friend Colonel Crawford. But is it to be suggested that no amendment of the criminal law is to be made, except by this Legislature? Is it to be suggested that provincial Legislatures are to have no power to enact measures suitable to their own special conditions?

Diwan Bahadur T. Rangachariar Of this nature?

The Honourable Sir Alexander Muddiman I yield to no one in jealously guarding against any intrusion by a Provincial Government on the sphere of the Central Government. I have held that very strongly and I do hold it very strongly and I have frequently, in my administrative capacity, to put checks in that direction on the undue freedom of the provincial Legislatures in interfering with Acts. In that I am with the House, but I am not with the House in saying that no legislation should be undertaken in a province which may affect the inhabitants of other provinces. If a man goes to a province he finds its own laws.

Diwan Bahadur T. Rangachariar Discrimination between provinces.

The Honourable Sir Alexander Muddiman Discrimination between provinces. If my friend likes to remain in Madras there is no discrimination. Now, Sir, I do feel myself that it is a pity that there should be any suggestion of setting up the Indians against the Burmans. I think that would be a great pity and most undesirable. I have paid a tourist visit to Burma and I have seen quite enough of Burma to see how essential the Indian is to Burma. My Honourable friend Lieutenant-Colonel Owens acknowledged that in a most suitable manner. Any Government that was to attempt to use this measure to

prevent Indians going to Burma for commercial and other purposes—in other words, their lawful occasions—would be a Government which I am perfectly sure would be equally disliked by both sides in that country

Mr. O. S. Ranga Iyer: Do you contemplate the separation of Burma from India?

The Honourable Sir Alexander Muddiman: The Honourable Member will not lead me to discuss these academic questions

Now I would like to make one further point, and that is on the question of allowing the provincial legislation to proceed. Now a very strong case is required to refuse sanction when an application for sanction is brought forward by a responsible Government. It is merely a question of giving sanction which, as my Honourable friend well knows, in no way affects the question of assent. The tests to be applied are entirely different. By giving sanction all you do is to enable a Local Government to take a Bill to their Legislature. The question of assent is quite a different matter. Again the giving of assent is a different matter from administrative approval. Very strong reasons are necessary before you can turn down a proposition by refusal to assent. It has been laid down by the Joint Parliamentary Committee that when the Provincial Government and the provincial Legislature are in agreement, normally speaking they should have their way. That is an important point which should not be lost sight of. That is an argument however I do not wish to carry too far. I see clearly there are occasions when the Central Government must interfere and I do not wish by anything I am saying to-day to diminish that proposition. The Honourable Mr. Tonkinson went further on that point than I should be prepared to go myself. While maintaining therefore the central control of the Central Government I maintain that to ask us to take the action suggested in this Resolution would be a very serious matter.

There have been really two points and two points only in regard to this Bill. One has been the point that was made about the inclusion of political offences in the Schedule, and the other was the point made or sought to have been made by my Honourable friend Sir Henry Stanyon—with whom for once I have the misfortune to differ—on the question of domicile. Now, Sir, domicile must obviously be construed with reference to the Act in which it appears. He put the argument that domicile is normally a question of private law, but here you have the word used in a special Act and it must be construed with reference to the purpose of the Act. It does not differ, I suggest so far as the purposes of this Act go from "home". I will read you here an extract from Dicey which makes my point very neatly and in much better language than I myself could use. He says

"Thus if D resides at No. 1 Regent Street with the intention of permanently residing in that house the definition of home suits that house no less than it suits England, and if any legal result were to depend upon D's living at No. 1 Regent Street rather than in Westminster, the definition of domicile would apply to No. 1 Regent Street as being the place which is considered by law to be D's home."

Sir Hari Singh Gour: That is a local law.

The Honourable Sir Alexander Muddiman: That is exactly my point. Sir Hari Singh Gour has helped me very much. It has to be a local law for the purposes of the Burma Act.

Now, Sir, I think, as I said, most of the points have been very ably met in the speech of the Honourable Mr Tonkinson. I do not propose to detain the House much further except that I hope those who vote in favour of this Resolution will understand the exact implications of their action. You are asking this Government to recommend disallowance of an Act which has been passed for the purposes and under the circumstances I have mentioned. You are asking us in the alternative to bring in legislation which will have the same effect. This is a position that we cannot possibly adopt and therefore, whatever your views on the constitutional point may be—and I myself, as I have said, do feel that it is necessary to preserve the position of the Central Government, I feel that this interference by local Legislatures with the central Codes is to be deprecated, I have frequently deprecated it myself, I am anxious that if you think of passing this Resolution you ought to consider its full implications. Sir, I continue to oppose this Resolution.

Mr President: The question is

That the following Resolution be adopted, namely:

‘This Assembly recommends to the Governor General in Council that the Government do immediately move the Secretary of State to disallow the Burma Expulsion of Offenders Act 1925 or in the alternative, to take immediate steps to introduce a Bill in the Indian Legislature to repeal the said Act.’

The motion was adopted by 69 votes against 33.

1911 March, 1926

RESOLUTION RE TRAINING OF INDIANS FOR NAUTICAL
CAREERS ETC

The Committee which was appointed more than a year after, in February, 1923, sent in its Report in March 1924, and till now practically no action has been taken upon that Report. This perhaps is another case illustrating the promptitude with which the Government of India are able to move in matters of this sort.

Mr W. S. J. Willson (Associated Chambers of Commerce Nominated Non-Official) Income-tax

Sir P. S. Sivaswamy Aiyer. To some extent it has been due to the necessity for getting expert opinion upon some of the matters dealt with in the Report of the Mercantile Marine Committee. That Report goes into all the matters referred to them in the order of reference, and their recommendations are briefly these. They recommended the establishment of a training ship in Indian waters for the purpose of training young men as deck officers, and they recommended the establishment of the ship in Bombay. But since then expert opinion has been called for by the Government, and Captain Sayel, the expert sent for, has recommended that Karachi should be selected as the place where the training ship should be stationed. In other respects, the recommendations of the Committee were concurred in by him, though he prefers a system of scholarships to the establishment of a training ship. I will briefly refer to the recommendations of the Committee which are scattered throughout the Report. They do not summarise their recommendations at the end of their Report, and I have therefore to refer to the different parts of their Report. In paragraph 15 they say

"The Secretary of State in Council might be asked to extend the same facilities to selected cadets from the Indian training ship to join the Bengal Pilot Service as is at present extended to cadets from the *Conway*, *Worcester*, and *Pangbourne*."

Then they proceed to consider how employment may be provided for cadets who pass through this training course and pass the necessary examinations, and they deal with it in paragraph 23 of their Report. They say that

"having provided for the education and training of young Indians for sea life, it is necessary to consider what their prospects should be of obtaining employment."

They made inquiries of various shipping companies and they ascertained that the shipping companies were prepared to employ young Indians as officers on board their ships provided they proved efficient and satisfactory as apprentices and successfully passed the Board of Trade examinations. Then with regard to the question of the subsequent passing of the Board of Trade examinations by these apprentices, they recommended that certain classes for the coaching of officers should be established in the large Government colleges in first class ports. Then again they proceed to consider the question of engineers. They suggested that instruction should be provided in one or other of the engineering colleges in India, and that the subject of Marine Engineering should be included in the course of instruction in some one of these colleges. As to further training they suggested that facilities should be provided for this purpose also by the steamship companies who have expressed their willingness to take Indians as deck officers. As regards the subsequent employment of trained engineers, they hoped that trained Indians would be taken by some of these steamship companies as engineers provided they possessed the necessary qualifications.

and I believe they are now prepared to start a training school. What I wish to have also introduced is the provision of a course of Marine Engineering in one or other of the Engineering Colleges, either at Sibpur or Bombay or Karachi. I have suggested Sibpur because here the College is situated on the banks of the Hooghly and Calcutta can perhaps offer greater facilities for the teaching of Marine Engineering than Karachi or Bombay. However, that is a matter of detail. I hope the Government will find it possible to make an early move on the recommendations of the Mercantile Marine Committee not merely in the direction of starting a training ship but also in the direction of introducing the subject of Marine Engineering in one of the Engineering Colleges, and also in the matter of publishing a notification announcing their intention to issue coastal licences. With these words I move my Resolution.

The Honourable Sir Charles Innes Sir, perhaps you will allow me to explain my position in this matter. Ever since the Indian Mercantile Marine Committee's Report came out, there has been a great deal of what I might call propaganda in the country in favour of the reservation of the Indian coasting trade. I feel that so far the country has not been brought into contact with the facts on that subject, and I wish, Sir, to take this opportunity of examining the proposition as dispassionately as I can. I hope, Sir, that you will indulge me so far. It will be quite impossible, I agree, for me to deal with all the points raised in Sir Sivaswamy Aiyer's very comprehensive Resolution, and I have no intention of trying to do so to-night. The objective of Sir Sivaswamy Aiyer as also of the Indian Mercantile Marine Committee is the establishment of an Indian mercantile marine. The Committee made two important sets of recommendations with that object in view. One set of recommendations dealt with training and the other set of recommendations dealt with the reservation of the coasting trade. It is perfectly true that, as Sir Sivaswamy Aiyer has said, the proposed system of licensing was to come in force only on a date to be notified but the whole principle of that recommendation was reservation. And, Sir, I propose to address myself to these two points only.

I propose first to take up the question of reservation. I should like to say that we on the Government side recognise the reasons behind not only the Mercantile Marine Committee's Report but also behind Sir Sivaswamy Aiyer's Resolution. We recognise that it is perfectly legitimate, perfectly natural, that the people of India should desire to have a mercantile marine of their own. We recognise also that the training of officers for the Indian mercantile marine is a very long process and that men who are trained for that career must have some reasonable prospect of an opening. We recognise further that Indian companies, as things are at present, have difficulty in forcing their way into the coasting trade. Those, Sir, I think, quite briefly are the main reasons behind Sir Sivaswamy Aiyer's Resolution and behind the proposal to reserve the coasting trade. But, Sir, I would point out that the main recommendation of the Mercantile Marine Committee—that recommendation which deals with the reservation of the coasting trade, raises a big question of principle. I am quite prepared to admit that if we admit at all the principle of expropriation, it could not be worked out in a more considerate manner than that suggested by the Committee of which Mr Rangachariar was so distinguished a member. I am quite prepared to admit that. But, nevertheless, I beg the House to observe that the proposals of the Indian Mercantile Marine Committee in regard to the reservation of the coasting trade do admit the

principle of expropriation, and I think everybody will agree that Government must scrutinise that principle with great care, because, once you admit on the Statute-book an Act, which embodies the principle that it is right to squeeze out, or depreciate the property of, those who have built up a trade or industry in order that others may succeed to it, one does not know to what lengths that principle may be carried. I am perfectly well aware that it will be said that in the case of the Indian mercantile marine reasons of high national importance justify a course of that kind. But I would point out to the House that not long after the Indian Mercantile Marine Committee's Report had been published, we received from Calcutta a request that steps should be taken similarly to reserve inland water navigation in India. And here again, the same argument of national interest was advanced. Once you admit that principle, what I fear is that it will give rise to similar demands in respect of other industries like oil, coal or whatever it may be, and that is the reason why, as I said, the Government have been compelled to devote a long time to examining this proposal in all its aspects. I am quite aware that other nations have reserved their coasting trade and have thereby admitted the principle of expropriation. Why have they done so? I take it as axiomatic, and I think that nobody will disagree with me, when I say that the reservation of the coasting trade to your own nationals must involve your country in economic loss, even though such loss may be concealed. Why then, have other countries, other nations, thought it necessary to reserve their coasting trade? It is because they thought that in the long run it would pay them to take that course in the interests of their own safety. They had to take that course because in time of war they might want their own mercantile marine to feed their people and because they wanted that marine as a second line to their own navy. All I need say on that point is this, that India is fortunate in that that overmastering necessity is not present in this country. India's shores are protected for her by the British Navy, and in time of war, she can always rely upon the British Navy, so long as the British Navy commands the seas, to protect her communications and her trade. It might also be said that in the long run it would be in the interests of the Empire that we should have an Indian mercantile marine and that the Indian mercantile marine would act as an additional second line to our British Navy. I quite see the force of that argument, but there are two points against it. In the first place, reservation introduces a principle new to British law, new, that is to say, in the sense that it has never been acted upon except in war time. For it makes a distinction between ships owned in a country and ships registered in a country. The principle now followed is that the status of a ship, until the contrary is proved, is determined by her registry. That seems a very technical point but I can assure the House that it is a point to which the highest importance is attached in shipping circles. Then, again, another grave objection to the proposal is that it admits the principle of flag discrimination that is to say, if it is carried out, it makes a distinction between ships mainly owned in India and mainly owned outside India. That, as I say, is flag discrimination, and it is a fundamental point of Empire policy that flag discrimination should be opposed in every part of the British Empire. I know it will be said that Australia has admitted flag discrimination in its Navigation Act. There is no flag discrimination in the coastal provisions of the Australian Act. Under what are called the coastal provisions of that Act any ship, provided it complies with the Australian regulations regarding wages, manning scales, and the

like, is eligible for a license to engage in the Australian coasting trade. But it may be said that this is a matter of such national importance to India that India must take her own line. That brings me to the main point of my speech. If that is the argument, then we have to count the cost, and we have to balance considerations of national sentiment on the one hand and economic considerations and interests on the other. This is the most difficult part of my task, for I do not suppose that there is any subject in the world which is less understood of the general than shipping economics. That is why I said just now that it was necessary that we should try to get into contact with facts. The Indian Mercantile Marine Committee practically gave up this part of the subject. I do not blame them. It is a very difficult subject, and they were working against time. But I would like to read to the House what they said on the point:

"We do not consider it possible to say at this stage whether reservation of the Indian coasting trade for shipping companies which are predominantly Indian in character is likely to be beneficial to India or not, for the simple reason that there are no data at present on which a satisfactory conclusion can be based."

That is one of the reasons why we in the Commerce Department have taken time over this difficult subject. It is a subject which is literally of vital importance, and we have thought it our duty in the last two years to devote the very closest attention to studying what would be the economic effects on India if we were to adopt this policy of reserving the coasting trade.

Let me give the House very briefly the experience of some other countries. I will take Chili for example. Chili reserved her coasting trade in 1922. I am prepared to admit that she gave only short notice, but the immediate effect was that coasting freights rose by 100 per cent. There were such complaints from the traders that a special Commission was appointed to try to effect an agreement between the shipping companies on the one hand and shippers on the other, and as the result of heroic efforts on the part of that Commission, they did manage to get a reduction of freights. But nevertheless, even after all the labours of that Commission, the freight rates remained 50 per cent higher than they were before the coasting trade was reserved. It costs, I have seen it stated, 36s/h a ton to ship wheat 700 miles round the coast of Chili, and it costs 30s/h a ton to ship it 7,900 miles from Chili to the United Kingdom! Then, again, let me take Algiers. France has reserved her coasting trade, and Algiers falls within the ban. The policy in this matter has given rise to much discontent in Algiers, and I have seen complaints ventilated in Algiers to the effect that this policy of France costs the Algerian producers 36 million francs a year. It is also said that it maintains the freight rates at 20 per cent above the normal. But the most interesting experience of all, because it is the most recent experience, is that of Australia. As I have explained to the House, ships may not operate in the Australian coasting trade unless they comply with the Australian rules and regulations in regard to wages, manning scales, accommodation and the like. This law was passed in 1912. For two reasons, the War being one of them, the law was not put into effect until the 1st July, 1921. The immediate result was an outcry on the part of almost every economic interest in Australia, and only two years later in 1923, a Commission had to be appointed "to inquire into and report upon the effect of the operation of the Act upon Australian trade and industry." My Honourable friend, Sir

Sivaswamy Aiyer, says that there is not much help to be derived from that report I disagree entirely. It is perfectly true that the Report is not a unanimous one. There were seven commissioners. Three recommended that, come what may, the coastal provisions of the Act should be retained. Four other Commissioners recommended that the coastal provisions of the Act should be repealed. Two of those four Commissioners piled up an absolutely overwhelming indictment against the coastal provisions. They said that the Act had curtailed shipping facilities, had resulted in higher freights and had had an injurious effect on industry. The other two gave a much more guarded opinion, but their final conclusion was that there is

ample evidence to establish the fact that the coastal provisions of the Navigation Act are to some extent acting detrimentally to the trade, industry and development of Australia."

Then the Commission was sent on to New Guinea and Papua. The coastal provisions of the Act had been extended to those two Islands. They had caused great resentment and discontent in the Islands, and the Commission went on to examine the effect of the coastal provisions there. The significant fact is that Mr Yates, one of the gentlemen who signed the minority report of the Commission in so far as the Report related to Australia proper, admitted that the policy had imposed a heavy economic burden upon these two Islands, and in the event these two Islands were exempted from the coastal provisions of the Navigation Act. Then, again, one of the most significant features of the Australian experience is the indignation that the coastal provisions of the Navigation Act have caused in Tasmania, and I beg the House to observe in this matter that there might very well be a very close parallel between Tasmania in relation to Australia and Burma in relation to India. At any rate, a separate Committee was appointed to inquire into the various Tasmanian disabilities under the Australian Federation, and I will just quote one extract from the Report of that Committee. They said in regard to the Navigation Act

"The encouragement of an Australian Mercantile Marine through the Navigation Act policy is a worthy object but it cannot be carried on without considerable expense. A totally disproportionate share of burden falls on Tasmania."

Then let me refer to the sort of evidence that was placed before this Australian Commission. The most striking part of that evidence was that given by the President of the Australian Tariff Board. The President of the Board of course is charged with the carrying out of the Australian policy for developing Australian industry. Let me read what the President of the Tariff Board said. He said

"Much of the benefit conceded by the tariff is lost through the additional cost in freight on Australian goods."

Then, again, let me quote to the House an extract from the evidence of the President of the Associated Chambers of Commerce of Australia.

"The effect of the Act has undoubtedly been to diminish facilities for communication and distribution between the States and at this present juncture at any rate this is very detrimental to interests of producers."

The same sort of evidence was given by the representative before the Commission of the Australian Meat Council, and the significant part of his evidence was that, as a result of the working of the coastal provisions

of the Navigation Act, all forward business in meat had become impossible. As I have explained, the greatest opposition to the coastal provisions of the Act is found in Tasmania. In Hobart the Commission found

“not merely an outcry by one section of community but a general feeling of revolt against legislation which threatens their economic welfare”

Now, I think, it may fairly be said that as the result of the experience gained in the few years in which these coastal provisions of the Navigation Act have been in force in Australia, we may arrive at the following conclusions. The general result has been to send up freights on the coast or to maintain them at a high level, to curtail shipping facilities, and to impose disabilities on shippers and producers. Again, one of the complaints most frequently made against the Act is that reservation means Government control and Government control invariably means inelasticity and rigidity, and in the shipping business that is one of the things that you have to fear most.

Now, I have gone briefly through the Australian experience because I think that we have got to try to apply these lessons to India. We have got to try to see how, if we were to reserve the coasting trade in the manner in which it has been proposed to be reserved by the Indian Mercantile Marine Committee, it would affect our own Indian trade, and this is the task which has taken us so much time in the Commerce Department. We began by making a very careful analysis of the volume of the coasting trade in India in 1923-24. We took out from each port the amount of cargo loaded in that port for conveyance to another Indian port, and we found that the total amount of goods loaded in Indian ports in 1923-24 for carriage to other Indian ports amounted to about $3\frac{1}{2}$ million tons. Let us see what the average freight on this $3\frac{1}{2}$ million tons would be. It has been put by one person as high as Rs 20 a ton. That is too high. I will assume that the average freight is Rs 10 a ton. Now let us assume that as a result of the reservation of the coasting trade you increase freight rates in India merely and to the same extent as in Algiers, namely, by 20 per cent. Mind you, Algerian experience has been favourable in comparison with other parts of the world. But I take a low figure and will assume that the increase will come only to 20 per cent. That means that the direct loss to India on a trade of $3\frac{1}{2}$ million tons a year would amount to 70 lakhs a year. That is what you would have to pay in the shape of increased freights, but it is just the beginning of things.

Then, Sir, I should like the House to consider the origin or rather the distribution of these $3\frac{1}{2}$ million tons. It is as follows: 1,263,000 tons originated in Rangoon and Burman ports, 1,300,000 tons originated in Calcutta and Chittagong. That is to say, two-thirds of your coasting trade originates in Burma and Bengal. The only important shipping company existing at present is in Bombay and the drive for an Indian mercantile marine comes very largely from Bombay. If there is any gain to be got out of it, it will go to Bombay. But the price is going to be paid by Burma and Bengal. Again, Sir, let us examine what the composition of this trade is. I have figures here, and they are rather interesting. Oil from Burma, kerosene for the most part, accounts for 610,000 tons, coal from Calcutta accounts for 959,000 tons, rice from Burma accounts for 334,000 tons, and other food grains account for 608,000 tons. That is to say, out of $3\frac{1}{2}$ million tons $2\frac{1}{2}$ million tons consist of oil, coal, rice and other food grains. Those are just the very commodities of which you

should do nothing to put up the price. We have heard a lot in recent years about coal. We have been told that coal from Calcutta cannot compete with coal from South Africa in Bombay. Now, at present the coal trade by sea is a free trade. At any time a tramp can come in and take a cargo of coal from Calcutta to Bombay. If this reservation proposal were carried out, that would become impossible. You would place the coal trade of Calcutta at the mercy of a limited number of ships. As I have shown, if we are to trust the experience of other countries, the inevitable result would be an increase of freight. And, Sir, how is the coal trade of Calcutta going to meet the competition from South Africa if that is the result? Oil is an even worse case, an even more difficult case. Mind you, it is kerosene oil from Burma which lights the house or almost every one in India. At present, as is always the case, the Oil Company owns its own fleet of tankers. It is enabled thereby to control the price from the time it brings out the oil from the ground till the time it is sold to the retail shop. Is it seriously suggested that that Oil Company should not be allowed to own its own tankers and that it should have to make over its tanker fleet to a separate company constituted in the way that the Indian Mercantile Marine Committee proposes? If so, then you cut right across the whole of the channel of distribution of the Oil Companies. You take away their control over prices for you place them at the mercy of the company which owns the tankers. Again, I would draw the attention of the House to the fact that apart from oil and coal, the greater part of the coasting trade of India consists of rice and other food grains. I put it to the House. Should we lightly do anything which would put up the cost of rice and food grains?

Again, Sir, I should like the House to consider the effect of this proposal on the smaller ports. Mr Rangachariar comes from the Madras Presidency. He has been told that more than once to-day Mr Rangachariar knows that many of the ports in the Madras Presidency are very small ports. He knows that it is a very common practice, say, for an Asiatic or a B I steamer to come to Tuticorm to load, say, a certain amount of cotton for England, then to go to Cochin for a load of copra or ginger or whatever it may be, then to go to Calcut and take on more cargo and then to clear for home. At present these steamers, as they go from coast port to coast port, carry cargo from one port to another. As a rule, this inter-portal cargo is small. One of the features of these small Madras ports is that very often they have quite a considerable foreign trade and quite a small coasting trade. At present the steamers which take their foreign trade also take their coasting trade. If this proposal is carried out that would be impossible. The foreign-going ships coming along would be confined to taking cargo to foreign countries, and the inter portal cargo would have to remain until a licensed ship came along. You would have two ships doing the work of one. That means waste of economic power, and you have always to pay for waste. If you assume that the average capacity of a coasting steamer is 7,500 tons dead-weight cargo, then a single steamer taking two trips could lift the whole of the coastal cargo offering in a year at each of the three ports, Madras, Mangalore and Tuticorm. Four trips in a year would be sufficient for Calcut, six for Chittagong and eight for Cochin. That shows what an advantage it is for shippers in these ports who have small lots of cargo to be able to ship it by any ship that comes along, instead of having to wait for a licensed ship.

The coasting trade of India again is largely a seasonal trade. If you exclude the oil trade, we have worked out that for the coasting trade of India you require something like 65 steamers of an average deadweight capacity of 7,500 tons. That is the maximum. But in the slack season the requirements drop to 39 steamers. I should like the House to note the dilemma we should get into. I take it as axiomatic that if you close your coasting trade your ships will be confined to their sheltered waters. If then your licensed fleet was sufficient to cope with the trade in the busy months you would require 65 steamers, but of those 65 steamers, 26 would be laid up in the slack months of the year. Interest charges, overhead charges would still run on, and you would have to pay those interest charges by enhancement of freights.

Mr W S J Willson Do the 65 include oil steamers?

The Honourable Sir Charles Innes No, excluding oil steamers. Supposing, on the other hand, you have a fleet only big enough to cope with the trade in the slack season. It would not be sufficient to carry traffic in the busy season. At present you have no difficulties of that kind. The large steamship companies which serve the coasting trade of India are not based on India alone. When our coasting trade is slack they move their ships off to East Africa or China or wherever else it may be. When the trade briskens up again, they bring their steamers back to the coast. Thus you get a perfectly elastic system which is exactly suited to India's requirements. If you were to have a fleet of licensed steamers, you would lose this advantage. Either it would be too big for all the year round, which would mean higher freights. Or it would be too small and you would have to get additional help in the busy season. I presume you would have to do what they try to do in Australia. You would have to admit outside ships when necessary by special permit, and that has been one of the greatest difficulties in the Australian Act. A representative of the Australian Meat Council gave very clear evidence on that particular point. He complained that great difficulty was experienced, and that you could never be sure whether you were going to get a permit at all or whether you would get one in time. You had to go to a Government office for the permit and there was always delay in getting it. The result was that in the Australian meat trade the effect of the coastal provisions had been to make forward business absolutely impossible. Just imagine what it would mean, for instance, for the Burma rice trade if Burma merchants could not do forward business, if they could never be sure of shipping their rice in the busy season because they never could be sure whether additional tonnage was going to be supplied under permit.

some of the reasons why after the most careful consideration the Government of India do not think that this proposal to license the coasting trade of India should be accepted. We recognize that there is a good deal of sentiment in favour of facilitating the creation of an Indian mercantile marine, and that the Indian Mercantile Marine Committee proposed reservation as the shortest cut to getting an Indian mercantile marine, but if you think out carefully the economic consequences of the policy proposed you will find that you will place upon your own trade and your own industries a very severe burden. We think that there is no justification for doing that.

What we are prepared to do is that we are prepared to take up the question of the training of Indian officers. I may explain that we have not so far gone very deeply into the question of training engineer officers. We regard that as not so difficult a question as the training of deck officers. As an illustration of what I say I may instance the fact that whereas one company in India has already got quite a number of certificated engineers who are Indian Christians or Parsis, they have only got one Indian deck officer. The House will agree with me that the urgent question is how to train deck officers, and it is a much more difficult question.

Sir P S Sivaswamy Aiyer But they are not educated engineers, the Parsis.

The Honourable Sir Charles Innes I would like to explain that we will take that question up with our departmental committee. What I want the decision of the House on to day is on the question of the training of deck officers. This, as I have said, is a very difficult question. All Honourable Members have no doubt read the report of Captain Sayer's Committee, and Captain Sayer has suggested that the most practical way of starting would be to send boys to the *Worcester* or the *Conway*, but at the same time he has put up a more or less complete scheme for a training ship in Indian waters. The real matter on which I want the decision of the House is whether we should go in for a training ship in Indian waters or adopt the method of sending boys home. If the House wishes to decide in favour of a training ship in Indian waters, I think they ought first to realise what the difficulties are. I will indicate them very briefly. The first point is always that there must be a doubt whether Indian boys of the right class will come forward for training. By the right class I mean boys of the middle class. Everyone knows that Indian lascars are first class seamen, but those lascars have not the necessary education and we do not know whether they have the necessary power of command for deck officers.

Mr K Ahmed (Rajshahi Division, Muhammadan Rural) What did I say in my evidence?

The Honourable Sir Charles Innes I am sorry I did not read the Honourable Member's evidence.

That is the first question whether boys of the right class will come forward. One has got to realise quite clearly what the obstacles in the way are. In the first place life on board ship, as Mr Willson will tell you, is a rough life. There is rigorous discipline and it is a hard life which demands character. On board ship again, no caste distinctions of any sort are possible. I do not say for a moment that these difficulties will stop Indians from coming forward, all I say is we have to bear them in mind.

maine training ships and also with the Navy training ships that only a proportion of the boys who pass out actually go to sea, the others take shore jobs. And the sort of training you give on a ship of this kind is a training which would be useful to a boy in any walk of life. So, as I say, that is not an insuperable objection. At the same time it makes the cost to Government of the boys that you actually pass out for the sea a very high one, for we anticipate that this training ship will involve an initial outlay of something like three lakhs of rupees, and we anticipate also that if we have a training ship consisting of a three-year course turning out 30 boys a year, it will cost something like 2½ lakhs a year. These are provisional estimates, we shall have to check them more carefully later. If only 10 or 15 boys go to sea, each boy is going to cost us some Rs. 20,000. I have gone into all these details, not because I wish to throw cold water on the scheme but because I wish to make it clear that, if we do start a ship, and if we do I shall see that it is a good one, it is going to be an expensive matter. I do not want to suggest that the boys will not come forward, but there is a risk of that and I want the House to realise what they are letting themselves in for. The advantages of the alternative scheme of sending boys home for training are that, in the first place, you can select your boys at once and send them to England for training either on the *Worcester* or the *Conway*. And there is another great advantage. These boys, when they are trained, and when they become apprentices and officers in cargo ships, will have to mix with English boys, and it would give them a better start if they had been through precisely the same mill as the English boy, namely, through the *Worcester* or *Conway*. Those are the two main considerations I see in favour of Captain Sayer's alternative proposal for sending boys to England. It enables you to start quicker and it will probably give these boys a better start, and it is cheaper. On the other hand we do recognise that there are serious difficulties in the way of sending Indian boys of the age of 14 to England to go through the *Worcester* or *Conway*, and we are quite prepared, in fact we ourselves feel that the right way to set to work to train deck officers is by establishing our own training ship in India, and if the House will support me in this matter, that is what we propose to do. We have the *Dufferin* already and we are informed that, if on the large side, at any rate she will make a very suitable training ship. And so if the House, after counting the cost, is in favour of a training ship in Indian waters, we are quite prepared to take up that matter in earnest. I want the authorisation of the House because, if I get the authorisation of the House, then I hope we shall be able to get ahead in this next year. We shall have to prepare the estimates in rather more detail, but I think in any case we shall be able to make a start in the coming year. As I have explained, Sir, that is the point on which I really want the orders of the House. What I feel about this matter is this. This is the fag end of the Session and I do not suppose the Assembly really wishes to discuss in any detail at this time of the year a very controversial question like the reservation of the coasting trade, and also I am sure the figures and figures which I have put before them have rather taken them by surprise and that they would like to consider them more at length, but I do want very much a decision from this House on the question of the training ship. I have consulted my friends on the opposite side of the House and all Parties, and they have all agreed with me that, if you would allow it, Sir, probably the best course would be merely for the House to express its opinion on the

question of the training ship now and to adjourn the other points mentioned in Sir Sivaswamy Aiyer's Resolution till the September Session I do not know whether you would allow me actually to move an amendment to that effect I should like to explain that I have drafted an amendment in consultation with my friends on the opposite side, but I am entirely in your hands

Mr President I understand that, so far as regards the question on which Government want a decision to-day, there is no difference of opinion between the Government and the other side?

The Honourable Sir Charles Innes That is my impression

Mr President And so far as the other questions raised by the Resolution are concerned, they are of a controversial character and, therefore, the Government agree to the adjournment of the debate on them

The Honourable Sir Charles Innes That is the idea, may I move?

Mr President Yes

The Honourable Sir Charles Innes Sir, I beg to move

"That the debate on all the subjects covered by the Resolution except the proposed training ship be adjourned till the next Session, and that, as regards the training ship, the Assembly recommends to the Governor General in Council that the scheme for the establishment in Indian waters of a training ship for deck officers should be accepted in principle "

Mr President Amendment moved

"That the debate on all subjects covered by the Resolution except the proposed training ship be adjourned till the next Session, and that, as regards the training ship, the Assembly recommends to the Governor General in Council that the scheme for the establishment in Indian waters of a training ship for deck officers should be accepted in principle."

The motion was adopted

Thursday, 28th January, 1926

RESOLUTION *RE* UNEMPLOYMENT AMONG THE MIDDLE CLASSES

Mr A Rangaswami Iyengar (Tanjore *cum* Trichinopoly Non-Muhammadan Rural) Sir, with your permission I beg to move the Resolution, of which notice has been given by Kumari Ganganand Sinha The Resolution is in the following terms

"This Assembly recommends to the Governor General in Council that he may be pleased to appoint a Committee having a non-official majority to investigate into the problem of unemployment among the middle classes and suggest remedies for the same."

I have to apologize to the House, Sir, in that, having had such short notice giving me authority to move this Resolution, I am not in any way competent to deal with this vast and comprehensive subject, of which my friend Kumar Ganganand Sinha gave notice to the Assembly Sir, this problem of unemployment of the middle classes is one which I know has been exercising the minds of all sections of this House, not merely the non-official

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings of the research.

4. The fourth part of the document discusses the implications of the findings and provides recommendations for future research. It also includes a conclusion that summarizes the main points of the study.

5. The fifth part of the document contains a list of references and a list of figures. The references include a list of books, articles, and other sources used in the study. The figures include a list of tables and graphs that are included in the document.

1. The first step in the process of the investigation is the identification of the problem. This involves a thorough review of the available information and a clear definition of the issue at hand.

2. Once the problem is identified, the next step is to gather relevant data. This can be done through various methods, including interviews, surveys, and the analysis of existing records.

3. After gathering the data, the investigator must analyze it to identify patterns and trends. This step is crucial in understanding the root causes of the problem.

4. The final step in the process is to develop and implement a solution. This involves creating a plan of action and ensuring that it is effectively carried out.

5. Throughout the entire process, it is important to maintain clear communication and documentation. This ensures that all stakeholders are kept informed and that the progress of the investigation is well-recorded.

[illegible]

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special industries abroad, when they came back he was unable to find employment for them. I was told at that time of one case in which a man went to Switzerland to learn the intricacies of watch making, but when he came back His Highness was not able to find employment for him and offered him a post as a Naib Subadar, or a sort of Tehsildar in a petty *taluk*. And so, Sir, we now find in this country failed B As, Matriculates, passed B As and passed specialists, all of them without employment. What is the reason for this state of things? It is easy to say that the system of education is wrong. It is easy to say that you should not crowd into the public services, it is easy to say that you should not crowd into the Bar, it is also easy to say that the best thing anybody can do who cannot find employment is to become a journalist. I have the misfortune to see every day half a dozen young men of parts and ability coming to me and asking for some employment in the field of journalism. And we know that the profits in the profession of journalism are very small indeed in this country. (Mr M A Jinnah "Question?") As a whilom Director of one of the best papers in the country you ought to know that. (Mr M A Jinnah "I know that my Honourable friend is flourishing.") And I am trying my best to employ as many as I can. I have at least a dozen people whom I have recently employed in this behalf. Therefore, I am only referring to that, Sir, to point out that the scope for the employment of this middle class is extremely limited, and, if we go into the whole of this matter and try to examine what the real cause of all this is, I think we must arrive at the conclusion that the real cause of all this is the poverty of this country—the very low economic condition of this country, and the inability of this country to increase its wealth according to the resources which it has at its command. We find, Sir, that in this country there has been, to use an economic phrase an increasing pressure of population on the means of subsistence. We find, Sir, that while this is going on, such increase of production as is taking place in this country is subject to that continual process of economic drain of which we have repeatedly complained on this side of the House and in respect of which the Government of India have so far done nothing to alleviate our lot. Therefore, Sir, the whole position is that we being poor as we are, we being subject to this domination of an alien system of Government, we being subject to this continual process of drain, we find, Sir, that this question of unemployment has not been merely confined to the very poor of this land, it is going on extending to the middle classes, to the intellectual classes, to the highly trained people, and to many people who have, in the expectation of improving their prospects in life, spent their all in acquiring a skill and knowledge which they find they can not turn to account. The problem is really becoming very acute.

I find my Honourable friend, Sir Sivaswamy Aiyer, has put down an amendment which seeks to specify more particularly the directions in which the Government can find something to mitigate the present position. As I said, Sir, I do not think these palliatives are really going to solve the problem. I think the problem can only be solved when the Government of this country feels a real responsibility for the existence of this poverty in this country, when the Government feels that every Indian who is starving is its own countryman, is a man for whose moral and material welfare it is responsible, and this will not be as long as there is no Svaraj in this country. But to the extent to which the present situation can be alleviated I think it is the duty of this House and it is the duty of the Government

alike to find as many palliatives as they can. Sir, many palliatives have been suggested, and, as I said, Sir Sivaswamy Aiyer has suggested some. I have no objection to the adoption of any of these courses, but, Sir, along with that I would like to suggest one which, Sir, our great and revered leader, the late Deshabandhu Das, propounded in many of his famous speeches, and that is that we should go about and reconstruct our villages, and in the work of that reconstruction our educated youth should be employed to effect and to advantage. That is a scheme, Sir, in which so many of these people could find useful and legitimate employment and assist in the production of more wealth. That scheme, Sir, was, however, by no means encouraged by the Bengal Government to whom he offered the same. I expect, Sir, that the Government of India at any rate will look at this problem of village reconstruction as one of the principal means by which this unemployment problem may be solved. I do not want, Sir, to weary the House by elaborating any platitudes. (Laughter) The problem is very acute, and I would request the Government to consider this matter in a thoroughly sympathetic way, to see that here is a matter of constructive statesmanship to which they can usefully apply themselves instead of trying to parry questions or Resolutions in this House by various devices. I appeal therefore to the Government side to accept this Resolution and to do the needful.

Sir P S Sivaswamy Aiyer (Madras Nominated Non-Official) Sir, I beg to move the amendment which stands in my name

"That for all the words after the words 'to investigate' the following be substituted

'the problem of unemployment among the educated classes of India and devise suitable remedies whether by a system of industrial and technical education, or by a revision of the existing system of education, or by offering encouragement to the starting of new industries, or by opening new avenues of employment, or by the establishment of employment bureaux, or by all these or any other means' "

Sir, the object of my amendment is to make the original proposition a little more definite and a little more suggestive. I gave notice of a Resolution in these terms more than a year ago, and as it has not been my good fortune to draw this Resolution at the ballot, I have been obliged to move my Resolution in the shape of this amendment. Now Sir, as regards the scope of this Resolution, let me point out first that, while I do not ignore the general problem of unemployment of labour, this Resolution is not meant to raise that question. It is meant to raise the somewhat more limited but nonetheless acute problem of unemployment among the educated classes. As regards the general problem, it may be dependent upon various temporary causes, such as seasonal fluctuations, trade cycles, and so on. But as regards the problem of unemployment of the educated classes, it is due, I believe, to much deeper causes, causes not of a temporary character. It is largely due to a lack of adjustment between the system of education now in force in the country and the needs of industrial progress.

As to the existence of this evil, I do not think that any proof is required. Everyone who is acquainted with the conditions of this country is aware how widespread and how acute this problem is among the educated classes. It has attracted the attention of some of the Provincial Governments and it has attracted the attention of the public in some at least of the Provinces. For instance, in Bengal a Committee was appointed in 1922 to inquire into the question of unemployment, and this

Committee under the Chairmanship of Dr. Meek has presented an excellent and very valuable report on the subject, a report which contains many suggestions which it is desirable to have carried out. In Bengal the question has also engaged the attention of the University and of the late Vice-Chancellor, Sir Ashutosh Mukherji. There is an Indian Polytechnic Institute founded by the Maharaja of Cossimbazar, and the Principal of that institution, Captain Petavel, has been carrying on propaganda in this direction, for the purpose of making education self-supporting and for the purpose of reducing the problem of unemployment among the educated classes. I understand also that in the province of Madras a Committee has just been appointed to inquire into this question.

The problem now before us is this. Are these local and separate efforts on the part of one or two provinces sufficient to deal with this problem? The first question is, are you satisfied with regard to the existence of this evil? I have no doubt that there can be no difference of opinion on that point. The problem requires to be considered with every sympathy and has to be grappled with in earnestness and by continuous effort. It may perhaps be said that this is a problem which has to be dealt with by the provinces and not by the Central Government, as Education and Industries are provincial subjects and not Central subjects. It is of course true that Education and Industries are provincial subjects, but I believe that that does not prevent the Central Government from making investigations into a question like this, from trying to find out what the present situation is, what the causes are and what the true remedies are and by whom they ought to be tackled. It is a problem, I realise, of very great magnitude. Conditions vary in the different provinces. It may perhaps be said that the problem is not acute in all the provinces. I do not know. Speaking for Madras and I think, speaking from second-hand knowledge of Bengal, the problem is certainly extremely acute in these two provinces. That the problem exists in an acute shape in the other Provinces also is my belief. If it does not, I dare say the spokesmen of those Provinces will say whether the problem exists in those Provinces or not. Now, having regard to these facts, the widespread extent of the problem and the extremely complex character of it, impinging as it does upon a number of questions connected with our educational system, with our economic condition and our social conditions, the problem requires to be dealt with in a comprehensive way by a co-ordinated effort and by such machinery as the Central Government alone can command.

With regard to the technical objection that it is a provincial subject and not one to be dealt with by the Central Government, I would ask the Government to follow the excellent example which has been recently set of the appointment of a Royal Commission on Agriculture. Agriculture is a provincial subject and not merely provincial but a transferred subject, still a Royal Commission has been appointed. Perhaps it may be said that a Royal Commission is above all these laws which divide subjects into provincial and central. If the expenses of the Royal Commission were paid for by the British Government, that explanation would be intelligible, but the expenditure has, I believe, to be met out of the revenues of the Central Government, and therefore it must be justified under the scheme according to which subjects are divided into central and provincial and our expenditure is divided into central and provincial. If an extensive inquiry into the conditions of Agriculture is permissible by the Central Government and if the expenditure can be defrayed out of the revenues of the Central Government, I conceive that an inquiry like the one which I am asking for can

equally met from the revenues of the Central Government. Then, Sir, it may be said that it may perhaps wound the susceptibilities of Provincial Governments if the Central Government embarks upon an inquiry which is entirely within the province of the Provincial Governments. I, for one, do not believe that the Provincial Governments are likely to entertain any such sensitiveness or susceptibility on this matter, but, on the other hand, they would in all probability be glad if the burden of this inquiry could be taken off their hands and conducted by the Central Government themselves. Then, again, it may be said that there is an inquiry to be started in Madras, that there has been an inquiry completed in Bengal and that we should wait and see. Now, the answer to that is that this process of waiting and seeing the results will involve an enormous amount of delay. This Committee in Bengal was appointed in March 1922 and it submitted its report some time about the end of 1925, more than 2½ years after it was appointed. We do not know when the Madras Committee is going to send its report. The problem is no doubt one which has to be examined from various aspects and will require very considerable time, but the sooner the inquiry is started the better. If we are to go on waiting for the results of the Committees which may be appointed or may not be appointed by the Provincial Governments, we should have to wait for an indefinite length of time. I trust therefore that the Government will not meet this proposition merely with a show of sympathy and shelve it quietly. The problem is one which requires not to be shelved with sympathy but to be grappled with in all earnestness and I do hope that the Central Government will make up their mind to accept this proposition and do what they can to solve these problems.

We may be asked how do you expect this problem to be solved? Is it not one of an immensely difficult character dependent upon so many factors, upon the character of the people, upon the educational system and various other things. The fact that it is complicated renders it all the more urgent that not a day should be lost in dealing with it. I do not believe that the Government is omnipotent, or even omniscient, but I do believe that the Government can as a collective organisation do a great deal more than a mere private individual can do and that it requires the application of several minds and co-ordinated effort to arrive at some solution of this problem. In my own mind there seem to be two or three very radical defects in our present condition which require attention. The system of education which is now in force is conspicuous for its want of touch between the requirements of the employers and the courses of instruction and the standards of instruction and the facilities for training. We have several technical institutions such as Engineering Colleges but their chief

such as capital, initiative, enterprise, co-operation and so on. There is one direction in which it is absolutely necessary to consider the possibilities of development and that is the possibility of starting small industries which do not require much capital and which by the employment of a certain amount of labour-saving machinery in substitution of manual labour may enable people with limited means to carry on small industries with a fair measure of profit. No sufficient investigation has been made into the possibilities of this question by the Committee in Calcutta. In this and various other directions it is quite possible for a Committee to arrive at some tangible remedy for this crying evil. I hope, therefore, that the Government will accept this Resolution and make an effort to deal with this evil which is productive of very great discontent among the rising generation. The discontent may be economic in its origin, in many cases but it is bound to lead to political discontent and it is the duty of the Government to remove the causes of this discontent and grapple with this evil, the gravity of which, I am sure, will be recognised by the Government as well as everybody here. The question therefore now is: Is it the desire of this House that a really comprehensive inquiry into this question should be undertaken by the Central Government or is it merely to be left to be dealt with by the various Provincial Governments as they choose? I hope that the House will agree with me as to the necessity for an inquiry by the Central Government and therefore I commend my amendment to the acceptance of the House.

Of course, we may be told that there are caste prejudices and that the young men of India belonging to the educated classes are themselves to blame to a large extent for want of employment. But I believe that these causes, though they did exist to a very great extent at one time, are disappearing. Caste prejudices do exist even now to a certain extent. For instance, if you tell our educated men to undertake menial labour or some kind of employment which involving manual labour alone is a mere blind alley without prospects, there may be an objection. But to manual labour by itself the objection has been fast disappearing and I know from my personal knowledge that even among the most conservative classes in Southern India, namely, the Brahmans, the objection to manual labour has largely disappeared. I have been in Engineering Schools in various parts of India—in Bangalore, in Jamshedpur and other places and I know that even the Brahmin lads who have been taken as apprentices or students have been working as hard as members of any other classes. So, I do not believe that it is caste prejudices that stand in our way. It is the want of variety of walks of life, the absence of industrial expansion and the defects in our present system of education that are responsible for this present deplorable situation. I hope, therefore, that we shall receive not merely the lip-sympathy of the Government but then earnest attention to this question by the appointment of a Committee to investigate the whole subject.

Sir Willoughby Carey (Bengal European) Sir, I have no complaint to make about Mr Rangaswami Iyengar's Resolution, and I should like to have supported Sir Sivaswami Aiyer's amendment in extension of the detail of the original Resolution, except for the fact that I do not think that a committee such as is suggested by the original Resolution is really what is called for by this problem. We have already in the possession of the country a very great deal of most useful information. I think the Industrial Commission of 1916-18, the Bengal Government Unemployment Report, which has been referred to so much to day, and the External

Capital Committee's Report, all three deal with essential matters relating to and bearing directly upon this question of unemployment, or its reasons. The House has said that it does not ask for the sympathy of any one in this connection, but we do of course sympathise fully with the situation, and in the interests of a healthy body politic it is necessary that this subject should be dealt with as soon as possible.

The whole point raised by Sir Sivaswamy Aiyer as to whether it should be dealt with by an all-India Committee or whether it should be dealt with by provincial inquiry seems to me to resolve itself into the question as to whether such an All-India Committee, whether just a non-official, or a technical or expert committee such as is suggested by Mr Abul Kasem, would really be able to get down to the full reasons in each province for the unemployment existing there. I do not lay down anything because of course I only know the situation as it exists in Bengal and as explained in that Government's Unemployment Committee's Report. But it seems to me as a practical matter that local committees should be able to do this better than one large committee. I think that an All-India Committee would really not add very much to the information already available, though it might have just the effect of crystallising what has already been laid down, and act perhaps as propaganda. But practically I think myself that the provincial committees and inquiries are the best way of working this very serious question. I think the whole position as it is to-day is the result, apart from the disabilities which we know are attributed to the people whom we seek in this discussion to help, of a wrong form of education and the lack of desire to do certain classes of work. Apart from that, the real reason is the slump in economic conditions to-day in India, and any inquiry that is made should, I think, take that into consideration and seek, firstly, to apply the knowledge already made available in these various reports, to which I have referred, and to see how far economic development can be pushed ahead. This can be assisted by the application either in Bengal or elsewhere of many of the proposals contained in that Government's Report, but fundamentally it must depend upon finance and upon the development of credit facilities in the country. This has already been said in other ways, but I think the External Capital Committee give us in their Report a very good lead in this direction. I do not propose to burden the House with quoting at all from these Reports, but I do earnestly suggest that they should be very carefully considered in the light of this question.

I should like just to deal with two points made by Mr Abul Kasem, although he has left the House. One was as to the delay in Bengal in dealing with their report and its recommendations. I would suggest that possibly there has been no facility of late in Bengal for doing anything in this way owing to the state of affairs in the Bengal Legislative Council.

In regard to the Bengal Industrial and Technical Schools, as a member or the governing body of that latter school, I would support very strongly his appeal that the right type of men should come forward as students. It is, as he has said, a very distinct difficulty.

Whatever suggestions are put forward, it is essential, to my mind, that first an attempt must be made to tackle the question of credit facilities and banking, for I do not believe that without these any intensive

but leave it to the House I might say that, in so far as there is that lack of confidence, I do not think my Honourable friend can blame foreign domination. The problem then, Sir, is to get together the capital which exists in plenty, the enterprise which perhaps is not so plentiful, the labour of which, as far as skilled labour is concerned, there is a marked scarcity, and the confidence of the investing public. If we can bring these together I think the problem will be solved. But I do not think a committee of this House can do much to bring those together. I think, Sir, in so far as this Resolution deals with unemployment and not with work it should be left to the private employers.

Mr Chaman Lall (West Punjab Non-Muhammadian) Sir, I rise to support the amendment moved by my friend Mr Sadiq Hasan. There is no doubt whatsoever that the amendment moved by my friend Sir Sivaswamy Aiyer is much more comprehensive than the original Resolution moved by my friend Mr Rangaswami Iyengar. But if my friend is prepared to accept the amendment moved by Mr Sadiq Hasan, I venture to suggest that it would be a further improvement on the original Resolution in so far as it would bring into the purview of this Committee of inquiry that we are setting up not only the middle classes, but also the industrial workers of this country. The great problem of unemployment affects not merely one class. The class that it does really affect is not only the middle class but the working class, the poverty-stricken masses in the industrial centres of the whole country. Mr Calvert has pointed out—very correctly I think—that if we are trying to find jobs, superior posts for the better class of educated people in this country, we must at the same time create the necessary conditions which would enable them to find employment. And one of the conditions is this, you must be able to find skilled, semi-skilled and unskilled work which would be placed under the charge of these educated people in order to enable us to find adequate employment for them. It is for that reason, Sir,—a very important reason—that I ask the House to accept the amendment moved by Mr Sadiq Hasan and bring into the purview of this inquiry the working classes in the industrial towns.

Khan Bahadur W M Hussanally (Sind Muhammadan Rural) May I know which amendment you are favouring?

Mr Chaman Lall I am in a very great difficulty. I have been asked which amendment I am favouring. I would much prefer the amendment moved by Sir Sivaswamy Aiyer with the further amendment, namely, that the inquiry should not be confined only to the educated classes. I understand that Mr Sadiq Hasan's amendment means this and nothing else. If the inquiry is to be enlarged, enlarged for the purpose of finding out the causes of unemployment amongst all classes of workers, to my mind it appears rather a strange procedure to limit its reference to the middle classes. Here is a disease that is affecting the body politic and you are trying to find a remedy. If I were to discover to-day a serum, one injection of which perhaps would turn a foolish man into a wise man, would my friend Mr Rangaswami advise me to confine my serum only to the educated classes or to the middle classes or to the rich classes or to the journalists whom he represents? Surely not. This disease of unemployment affects the whole country and, as has been very clearly pointed out, it affects more the working classes than it affects the educated classes. I have every sympathy—and I want to make it perfectly clear that I have every sympathy—with the educated classes. Only ten

days ago, Sir, a man came to me and he informed me that for two days he had not had a bite of food in his mouth. There is a well known case, which some people who live in Delhi are aware of, where the other day to a Professor of this University there came a chit from a man who asked for an interview. When he was brought into the room he asked for nothing more than a plateful of rice and *dal*. He said he was a graduate of the Calcutta University and that he had not had anything to eat for three days. He asked for no favours, he asked for no employment, he asked that he might be given just one meal in order that he could go his way and meet his fate, whatever it might be. The condition of the educated classes is undoubtedly deplorable. One of the causes no doubt is the system of education under which they are brought up. That system of education is meant, and deliberately meant, in my opinion, to turn the educated classes into mere Babus, mere clerks, and nothing more. This is a system of slavery under which slaves are being manufactured out of these machines, namely the Universities. But, Sir, the general problem of unemployment is very much wider than this. The general problem of unemployment is not to be dismissed as Mr Rangaswami Iyengar dismissed it by merely saying that the poor will always be with us. He is a recent convert apparently to the Christian doctrine which is preached in the Bible. I do not believe in that doctrine. I believe that the system creates the poor. It is not that the poor are God ordained to be always with us but it is the system which creates them and we want to discover the causes which operate under this system and create unemployment. I would much rather believe in the other Biblical saying, all that ye have, give to the poor.

Now, in discussing the causes you have to examine the actual state of the country. What do we find? Mr Calvert was absolutely wrong when he said that there is not a large amount of unemployment in the Punjab. Is he not aware of the fact that during the recent strike 15,000—20,000 people were thrown out of employment? What happened to them? Did the Government find jobs for them?

Mr H Calvert They went back to their work.

Mr Chaman Lal They did not go back to their work. You do not know the facts. What is the good of making a statement when you do not know what actually happened? They did not go back. They are still without employment. Ask your friends and they will tell you what has actually happened. What happened to the 20,000 railway men who were dismissed by the Great Indian Peninsula Railway? Has not the Railway Board issued instructions asking their Agents to give preference to these men? They realise that there are thousands of men who are out of employment. What happens to them year in, year out? At the sweet good-will of the Railway Board or of the Agent, it may be thousands of men find themselves without jobs. What happens to them? We are asking you by this Resolution and the amendment that we are proposing to institute an inquiry into the causes of unemployment and to try to remedy the deplorable state of unemployment in this country. Time and again I myself have put questions in the Assembly asking Honourable Members in charge to give us a reply to the question whether there is any unemployment in this country or not and whether the Government are prepared to institute a system of labour bureau or of employment

exchanges Every time I have been given the reply that the Government have no intention of instituting any such system They have gone beyond that, Sir They have said that there is no unemployment in this country I challenge that statement I have challenged it on more occasions than one It was repeated again, I am sorry to say, in the International Labour Conference at Geneva a couple of years ago by the Honourable Member who was in charge of this Department before the Honourable Sir Bhupendra Nath Mitra took over the charge of his office But, Sir, I shall not characterise it as a lie, I shall characterise it as the statement of an ignorant man, a man who does not know the conditions in this country and who does not care to find out what the conditions in this country are I say there are thousands upon thousands of people in this country who cannot find even one meal a day There are thousands of people who cannot find employment not because they have not "self-confidence" or because jobs are waiting for them and they are too lazy to walk into those jobs, but merely because they are debarred from finding employment either by their lack of education or by the lack of opportunity which comes their way They have not got the opportunity, with the result that they go and commit dacoities, murders and thefts Men must live I say criminals are being manufactured out of these unemployed We are simply asking you in this Resolution to try and do something for them In every country in the world you will find unemployment Even in the best periods of trade, unemployment is in existence In England before the war unemployment was in existence up to about 2 per cent of the working class population After the war, in 1920, it was something like 17 per cent of the working class population which was out of employment That state of affairs is chronic It goes with the system And what is the system? The system is merely this that you produce goods not for the benefit of the people but that you produce them for the benefit of the profiteer It is the manufacturer who is in charge of the industries in the country It is he and the banker who are concerned in industrial development Their business is not that you should produce as much as is necessary for the needs of the country but just as much as is necessary in order that they may line their own pockets The result is that a man will go on producing shirts or collars or boots or shoes whereas the people may be in need of food, and no food is produced for them The result is that this lack of balance is due entirely to the system under which we are living—a system which produces goods not for use but for profit We do not ask you in this House with a stroke of the pen to abolish this system All that we are asking is this, do try to remedy the state of unemployment in this country just as in other civilized countries this problem has been solved If in Great Britain, finding there was a grave state of unrest among the people and a grave state of unemployment among the working classes, they brought in a system of labour exchanges, why cannot the Government of India do the same in this country? I believe in England a man gets 15 to 17 shillings a week if he is unemployed, not because he lacks "confidence," but because he lacks the opportunity The opportunity is not there as has been pointed out very clearly by economic experts because the land is not in the possession of the people The people are barred from going on to the land

Mr H Calvert In India?

Mr Chaman Lal Yes, in India What do you know about India who talk so glibly about India? Are you not aware of the fact that the system of land tenure in India is rotten to the core? On the one side you have tremendous big estates owned by the landlords, on the other the sub-division of the soil is going on among the peasantry Our holdings are becoming uneconomic Are you aware of that? Are you aware of the charges that are levied on the peasantry in this country? The system of land tenure, the system of land holding, the system of capitalism is at the root of this problem and it is not so simple as my friend over there, who did not want an inquiry into this question, suggested It is a very deep economic question, but at the same time it is a question which can be solved If not solved in its entirety, certainly the condition of the people of this country can be ameliorated if only the Government are so minded

Now, Sir, there is no doubt about it that unemployment exists because of the system under which we live There are from time to time great crises There is the boom period when the unemployed are absorbed, and immediately after that comes the crisis when people are thrown out of employment What are the real causes of these cycles in trade? What are the real causes that bring about booms on one side and trade depressions on the other? These have a relevancy to this question You have to examine the question of the trade boom, of the trade cycle, of the trade depression You have to examine the interdependence of industry and the banks and of the credit allowed by the banks in times of booms and the credit denied by the banks in times of trade depression These causes again are interdependent and bring about unemployment in the country This is a very complicated question, it is not a simple question It requires careful investigation, an investigation, it may be, by experts who are conversant with the subject, well-versed in theories like those of Hobbs or of Marx or of Henry George or of Jevons But there is no reason on God's earth why the Government should not give us an inquiry on this subject, no reason why the Government, who pretend so much that they are looking after the interests of the masses of this country should not now tell us honestly and frankly that they do want to help the poor classes in this country There is no reason why they should not accept this proposition which we are putting before them Why do they not? Are they afraid that the facts brought out by this inquiry would be so bad and would so astonish the world that they would be afraid to face the world?

The Honourable Sir Bhupendra Nath Mitra Not a bit

Mr Chaman Lal Is it the question of expense? What expense is it? It is a flea bite compared with the benefit you will confer upon the country I sincerely and honestly ask the Government to look upon this question with the eye of a humanitarian and not with the eye of the official hidebound with his regulations, with the eye of a man who wants to do good to this country—to do good not only to the educated classes but to the masses of the workers of this country There is a great future for any man who takes up this question, and I ask the Government not to forget their duty to mankind

Mr N M Joshi (Nominated Labour Interests) I rise to support the amendment moved by my Honourable friend Mr Sadiq Hasan I

am very sorry that the amendment moved by the Honourable Lalaji is somewhat unsatisfactory. The amendment shows that the problem of unemployment among the middle classes is more important and more urgent than the problem of unemployment among the working classes. Sir, I am not willing to accept that implication of his amendment. The problem of unemployment in this country to-day is a very important one. There is unemployment amongst all classes of people. There is unemployment amongst agriculturists in India for practically four or five months in the year. That is a different problem. But there is also periodical unemployment amongst agriculturists caused by scarcity of rain, and Government deal with it under the Famine Relief Code. But, Sir, apart from the unemployment among the agriculturists there is unemployment among the industrial classes. My Honourable friend Mr Chaman Lal has dealt with that question to some extent. He has shown to the House that a large number of people have been thrown on the street without work by the closure of, or retrenchments in, workshops of the Railways, and by the closure of factories, etc. There is unemployment even amongst seamen. You thus find that there is a good deal of unemployment amongst all kinds of industrial workers. My Honourable friend Mr Calvert said there is practically no unemployment amongst skilled workers, but most of the people thrown out of employment from workshops are skilled workers. You will find them in large numbers in Bombay and in places where there are workshops. Therefore, I think, Sir, that nobody can deny that there is a very large industrial unemployment in this country. Of course there is also some unemployment amongst the middle or educated classes, but Sir, I feel that the unemployment in that class is dependent on the unemployment of industrial workers. You cannot separate the two questions. I feel that the unemployment amongst the educated classes is due also to industrial depression, as is the unemployment of industrial workers. When we, therefore, deal with this question, it is desirable that the whole question of unemployment should be first studied and inquired into, and remedies found. We must in the first place go to the root cause of the unemployment. My Honourable friend Mr Chaman Lal has already stated that the root cause of unemployment is your capitalistic system. As long as your industries are based upon the present capitalistic system there will be periodical unemployment. You cannot avoid that. At present industries are controlled by people who invest capital. But for industrial life other elements are also necessary. You require labour and you require some brains, but the entire control at present lies in the hands of the people who invest their money. (*An Honourable Member* "You don't require capital?") Capital has some share. As you require capital, so you also require labour and some brains, and these other elements must also have a sufficient share in the control of industry.

Now, Sir, the effect of the capitalist system is that when an industry is prosperous all the profits are taken away by the capitalists, the investors of money, and when there is an industrial depression the burden of that depression is thrown on the poor working classes. Sir, this is a very unfair method of dealing with our industrial questions. If therefore you want to solve this question of unemployment, you must deal with the root cause, the principle on which the industrial system should be based. As long as the control continues in the hands of the capitalists, you are sure to pass through periods of unemployment, because no country in the world under the present system has avoided periods of prosperity and

periods of depression. During the periods of prosperity, there is employment, the capitalists begin to produce more and more, but all the profits that they get at such a time are taken away by them, so that when the period of depression comes on account of over-production, which is bound to occur, they have no money to meet the losses, and therefore the burden of bearing the losses generally falls on the working classes who have to suffer from unemployment. Then, Sir, unemployment also is caused not only on account of the wrong system of control of industry but the wrong system of the distribution of wealth. If a few people in the country get most of the wealth that is produced in the country, it is not consumed properly, it is not consumed efficiently. Naturally, people who ought to get that wealth and who would have consumed it better and also added to the production of the wealth, do not get a sufficient share of the wealth produced, and naturally they do not also produce as much as is necessary and they also suffer from a want of demand for your goods because poor people have not got the means to purchase the goods which you sometimes produce in large quantities. Sir, it is this root cause, namely, the wrong principle on which your industry is based, the wrong principle of the distribution of your wealth, that is causing the periodical unemployment through which we are at present passing. If you therefore want to deal with this question satisfactorily, deal with it in a proper manner, go to the root causes which produce the present unemployment. Sir, when you go to the root causes, you will find that the cause of the unemployment of the educated classes and the unemployment of the industrial workers is the same, and therefore you cannot deal with the unemployment of the educated classes and the unemployment of the industrial workers in a separate manner. And there is also another reason, and that is a practical and political reason, it is in this sense, that if the educated middle classes alone try to get any satisfactory solution of their troubles due to unemployment, they will never succeed. The experience not only in our own country but in all countries clearly shows that the middle classes have not got much power unless they are backed up by the industrial classes. No educated class of employees without the help of the industrial workers will ever succeed in compelling any Government to give them protection against unemployment and the other miseries from which they suffer. From the practical point of view I say that the educated classes and the middle classes who suffer from unemployment should make common cause with the industrial workers, it is only then that their difficulties will be solved.

I therefore think, Sir, that this question should be taken up by Government seriously. They should appoint a Committee, which Committee should go into the whole question of unemployment and go to the root causes of unemployment and also find out the remedies. Of course, according to my view, the remedy is that the system on which industry is based should be changed.

An Honourable Member Down with the capitalists

Mr H Calvert Communism

Mr N M Joshi It may be Communism, it may be Socialism, let the Committee decide that. I do not wish to prejudge the issue. I am just telling you what the remedy is. I am quite willing to judge on their merits the findings of the Committee when the findings are out. But, Sir, my present feeling is that the problem of unemployment cannot be

solved under the present capitalist system, and therefore the problem can only be solved by a change of the system. Sir, my Honourable friend, Mr. Chaman Lal says rightly that that might take time. We are quite prepared therefore to consider even palliatives. In England and other western countries they have unemployment insurance, let us see if in our country there should not now be some arrangement for giving unemployment insurance to people who suffer from unemployment.

If it is not possible for all classes of people, let us consider whether we can have now a scheme for unemployment insurance for workers engaged in organised industries, such as factories, mines and other big industries.

Mr W S J Willson. Why only organised?

Mr N M. Joshi. For the matter of practical politics. If we can have unemployment insurance for all classes I shall be very glad indeed and you will always get my vote for it. It is only to satisfy friends like Mr. Willson that I am quite ready to make a small compromise and say let us have an unemployment insurance scheme for the organised workers working in organised industries. Then, Sir, you may have employment exchanges, public employment bureaus as there are in England. It is time that Government should consider this question whether some good will be done or not by starting public employment bureaus in at least the big cities. That is a question which a Committee should consider and inquire whether the starting of public employment bureaus will do some good or not. My own view is that if we start public employment bureaus in towns, they are sure to do some good and therefore a Committee like that could go into the question and see whether any good can be done or not, and the problem of unemployment could to some extent be solved or not by starting public employment exchanges.

Then there is the question of education, especially the technical education of our people. We have neglected that problem. I do not say that we have not neglected primary education. I do not say we have not neglected secondary education and I do not say that we have not neglected higher education. But we have done nothing at all for vocational education. Unemployment is not caused by the extension of primary education or secondary education or higher education at all. The cause of unemployment is quite different. But, Sir, it is quite necessary that if our people are to be efficient workers and if they are to produce more wealth (which will be consumed by all people and then there will be more demand for wealth), if unemployment is to be removed, the system of education also requires some change. There is no facility in our present state of affairs for technical education. You can see that even in industrial areas. In Bombay we have a very large textile industry, but there is not even one school in which an ordinary worker in the mill can get training and produce things better and work more efficiently. There is not even one school. Of course there is the Victoria Jubilee Technical College or School which is only intended for higher officers in the mills. But there is not one single school where an ordinary worker in a mill can get education and thereby do his work better. Under this system you cannot therefore succeed in solving these problems. I do not wish to take up the time of this House any longer, but I again say that I support the amendment of my Honourable friend Mr. Sadiq Hasan.

The Reverend Dr E M Macphail (Madras European) After listening to my Honourable friends Mr Joshi and Mr Chaman Lall, I feel that the large question which they have raised, while I recognise its importance, is one which they have practically told us it will be impossible for this House to solve except in the way in which they wish it solved. That is to say they are proposing a Committee which, in their opinion, if it is to bring in valuable results, will recommend the adoption of Socialism, if not of Communism. We are not inclined at present, I think, to adopt Russian methods which have not been altogether successful in the increase of wealth in that country.

Mr N M Joshi May I, Sir, ask whether the appointment of a Committee is a British method or a Russian method?

The Reverend Dr E M Macphail I was referring to the attempt to do without the capitalist. That was what I was thinking of.

Mr K Ahmed It is a Church method, Sir. (Laughter.)

The Reverend Dr E M Macphail I have intervened in the debate because I have a great deal of sympathy with my Honourable friend Sir Sivaswamy Aiyer's amendment, and I should be inclined to vote for his amendment were it not that I feel that the work which he proposes to be done would be better done by the Provincial Committees which have been already appointed or are being appointed. I may be wrong, but my idea would be that these Committees should consider the matter under local conditions and, when the time comes, the Government of India should consider these reports and attempt to co-ordinate them.

As regards the question as to how far the unemployment of the educated classes is due to British rule, I confess that it is largely due to British rule. India is one of the few countries in which you have the career open to talent, where it is possible for a poor boy, a boy with no wealth, to rise to the highest positions in this Empire. And it is because of that fact, I believe, that there is such a desire to obtain higher education. I have often asked my Brahmin students what would they have been doing had the British never come to India, and as far as I can make out they would have been living upon their lands and upon the offerings of the people.

Mr C S Ranga Iyer What do they do in Japan?

Sir Hari Singh Gour They have no Brahmins in Japan.

The Reverend Dr E M Macphail I am not aware as to what happens to the Japanese Brahmins, but I know that the result of our introducing University education in Madras, at all events, has been to attract a very very large number of Brahmins into the service of Government and also to the law courts.

Mr K Ahmed What a shame!

The Reverend Dr E M Macphail I think it is natural, Sir. The remuneration of gentlemen in the law courts is sometimes very high. Sometimes it is not, I admit, but still there are prizes and the natural thing for young men is to fancy that they are likely to obtain one of these prizes and therefore they go to the Bar. Then other great object is to get into Government service.

That service perhaps is not so attractive as it used to be—it certainly is not so attractive to the Brahmmins in Madras—but it is still one of the things that attracts people. What I personally should like to see in the interests of education is that, as far as possible, we should dissociate the Universities from the idea that instead of being places of learning they are avenues to Government employment. I once had the audacity to say something about a University being a place of learning and a man wrote to the papers saying that Mr. Macphail was mistaken in saying that a University was a place of learning, it was a place which conferred a title upon a man to enable him to earn his bread and butter.

Pandit Shamlal Nehru As a clerk!

The Reverend Dr. E. M. Macphail Not only as a clerk but as a journalist or it may be as a lawyer.

Mr. K. Ahmed. Or as a Swami! (Laughter)

The Reverend Dr. E. M. Macphail. I do not wish to take up the time of the House but I really rose partly to protest against the remarks of Mr. Chaman Lal with regard to our University education in this country. He said it was designed in order to produce the Babu and that that was the intention of the Government. I suppose he means by that the same kind of thing that used to be given to me as a parrot cry by some of my young friends,—the phrase 'slave mentality'. According to Mr. Chaman Lal our education is simply designed to prevent people from thinking. When I look round the Benches here I am convinced, Sir, that our education has not had that result. The education that we have given in our colleges has largely produced the large amount of talent that I see on the Benches opposite me.

The motion was adopted.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) Sir for the last three or four hours I have listened with considerable interest to the debate which has been conducted in this House on a question whose importance is undoubtedly recognised by everybody. I have heard the various opinions expressed on the subject by various Members and also the various ramifications which have been brought to light as the debate proceeded. It gave me great pleasure to find that a considerable body of my countrymen are now taking an increasing interest in problems relating to the economic welfare of the country.

Mr. T. O. Goswami (Calcutta Suburbs Non-Muhammadan Urban) We wish the Government would take some more interest.

The Honourable Sir Bhupendra Nath Mitra I am not concerned with the Government at present, if Mr. Goswami will pardon me. I am now referring to the public. For, I am one of those Indians who feel, and feel very strongly, that on the solution of these economic problems will depend largely the ultimate regeneration of India. I have also listened with pain and regret to the perverted utterances and perorations of certain morbid intellects. I shall simply leave it at that. I might have been inclined at that stage to repeat the words of the great Rabindra Nath Tagore uttered before a somewhat similar assemblage. I may be pardoned for

repeating a few lines Mr Goswami will probably repeat the whole later on and translate it

*" Eki sudhu hashu khēla pramodera mēd,
michhe sudhu katha chhalana
Esechha ki hetha yashera kangali,
katha genthe genthe nite karatali "*

I shall simply leave it at that (Several Honourable Members " Translate it ") I shall leave that to my friend Mr Goswami

(Several Honourable Members again pressed for a translation)

Mr President Order, order

The Honourable Sir Bhupendra Nath Mitra I am not going here to attempt a dissertation as to the causes, primary, root or subsidiary, of this problem of unemployment in general, or of the middle classes We have heard a good deal on the subject from various speakers The Honourable Mover of the original Resolution ascribed it to the foreign domination essentially If my Honourable friend by that referred to the fact that for several centuries a large mass of the people in this country has ceased to be governed by the representatives of themselves, possibly there is something in that Anyhow, I rather prefer not to be dragged into political discussions on this question I have said that there is little doubt that there is unemployment among the middle classes At a certain stage in my career I had to organise a number of offices and I had the good fortune to give employment to a certain number of people belonging to the educated middle classes The result has been that ever since then I have been flooded with letters from these educated young men in which they bring out at length their pitiable condition and implore me to save them from starvation They do not believe that I have no more opportunities in that direction They probably think that with my gradual rise in the rungs of the bureaucratic ladder I have become a hard-hearted man I also receive letters from mothers and wives of young men of this class written in more vernaculars than I can decipher That is, Sir, the position But what is the remedy? That is the real point we are more concerned with (Mr K Ahmed " Send them all to jail ") It seems to me that most of my friends here take the view that Government can, by some magical process, through the appointment of a Commission or otherwise, get rid of this problem altogether May I read out to my Honourable friends a passage from one of the books of the celebrated Burke

" To provide for us in our necessities is not in the power of Government It would be a vain presumption in statesmen to think they can do it It is in the power of Government to prevent much evil it can do very little positive good "

I think that this remark applies fully to the circumstances of this case Still, I do not say that it is not possible for Government to take some action in that matter But have Government failed to take that action? It may be that in the early stages of British rule in this country Government were more concerned with measures for the preservation of internal law and order and the repulsion of foreign aggression Some of my Honourable friends on the other side may take exception to that action on the part of the British Government Possibly they think that if the

Government had not taken that action, the problem of unemployment would have been solved as it used to be solved in the pre-British days, that is, by successive spells of anarchy and consequent thinning of the population. But after they had safeguarded these important interests of the people Government began to interest themselves in the other problems. Under the scheme of constitutional reforms introduced in 1920, all these questions connected with nation building have been handed over to Provincial Governments acting with their Ministers. I was a little surprised to hear from Members in this House who a few months ago advocated complete provincial autonomy that the Government of India should now intervene in matters which primarily concern the Provincial Governments. Is the need for this intervention established? Have the Provincial Governments not taken sufficient action in the matter? (*Several Honourable Members* "No.") I must dissent from that. Whatever may be the position in one or two provinces, that is not the universal position. The proceedings of Local Governments and of their Legislative Councils show that they have not been unmindful of their responsibility in the matter. In Bengal where the problem is probably more acute than in any other part of India, the local Legislative Council passed a Resolution on the subject in March, 1922, and in pursuance of that Resolution the Local Government appointed a Committee whose report was published last year. I have got the report here. It was referred to by Sir Sivaswamy Aiyer. I wonder if any other Member, or whether any considerable number of Members in this House, have ever cared to read that report.

Mr A Rangaswami Iyengar What has happened to the report?

The Honourable Sir Bhupendra Nath Mitra The Local Government is taking action on the report.

Mr M. A. Jinnah There is no transferred subject there.

The Honourable Sir Bhupendra Nath Mitra I cannot help that. It was also referred to by some previous speaker. I would rather prefer not to dig in purely political questions in dealing with this economic question. Resolutions on the subject were also passed by the Madras and the United Provinces Legislative Councils in August 1925. That passed by the Council of the United Provinces referred to middle class unemployment, whereas the Resolution passed in the Madras Council covered a wider field, both general unemployment and the unemployment among the educated middle classes. I know that the Madras Government have just appointed a Committee in pursuance of that Resolution. The United Provinces Government have a Development Board and they have referred the matter in the first instance to their Development Board. Meanwhile have the Government of India been wholly idle and apathetic? I distinctly say No. They have taken a considerable amount of action in various directions, such action in certain cases being based on the recommendations of their Legislature. In 1916, they appointed the Indian Industrial Commission, of which my friend Pandit Madan Mohan Malaviya was one of the members. That Commission examined the whole question of the development of Indian industries and of industrial and technical education. The Commission reported in 1918. The introduction of reforms in the constitution of India were under discussion in 1918, and were introduced in 1920. Under the reformed constitution both education and the development of industries, including industrial research and technical education,

have become provincial transferred subjects and this has prevented the Government of India from issuing definite instructions about the action to be taken by the Provincial Governments on most of the recommendations of that Commission. The Report of the Commission however forms a valuable document for the guidance of Provincial Governments and their Ministers. And there is evidence that these authorities in most of the provinces have been taking action on the recommendations of the Commission, with or without the assistance of subsidiary Provincial Committees appointed by them, to the extent that such action is possible within the funds at their disposal.

In their own sphere the Government of India have taken steps to develop their research institutions and a Mines School is about to be opened at Dhanbad. They have also formed and are gradually developing the Indian Stores Department. They have modified the rules for the purchase of stores required for the Central Government so as to give greater latitude for the purchase of articles manufactured or available in India so far as this is possible without undue sacrifice of efficiency or economy. Further modifications of the rules with the same object are under consideration, while Provincial Governments have recently been given practically a free hand in the matter of purchase of stores required by them.

The Industrial Commission was followed by the Indian Fiscal Commission of 1921-22, and with reference to the recommendations of that Commission the Government of India have appointed a Tariff Board and have granted protection to a certain number of Indian industries. (An Honourable Member "Unemployment?") Well, I said Indian industries, and Government's action has undoubtedly helped to reduce unemployment. There have been other Committees like the Indian Mercantile Marine Committee action on whose recommendations to the extent that it is possible to accept them, may provide further avenues of employment to the educated middle class, and the question of extending the grant of King's commissions in the Indian Army to Indian youths is now engaging the consideration of the Sken Committee.

The Government of India in recent years have also adopted a more vigorous policy in regard to the development of their railways and these measures of development will tend to reduce unemployment not only among the middle classes, but among the other classes as well if there is any severe unemployment among them.

The policy of Indianization of the services with reference to the accepted recommendations of the Lee Commission and the replacement by Indians of certain classes of British personnel in auxiliary services of the Army will also provide extended avenues of employment for educated Indian youths. At the same time, and this has already been recognized by various speakers who have spoken before me, it is obviously impossible for the Government, Central or Provincial, to find employment for all the educated Indian youths seeking employment.

The Government of India have also in recent years taken steps to place the finances of the country on a satisfactory basis and to rehabilitate her credit. Stability and improvement in these directions were essential for the purpose of any development of the country, industrial or otherwise. In consequence of the measures adopted by them the Government of India found it possible last year to make reductions in some of the contributions levied by them from the Provincial Governments and this will enable the

latter to make more funds available for purposes of development in various directions

The External Capital Committee was appointed in 1924, and it has recommended *inter alia* a survey being undertaken at the earliest possible opportunity of the whole field of banking in India, which should be followed by detailed examination by an expert Committee or Committees of the lines along which progress should be effected, including provision for a comprehensive scheme of banking education directed to furnish an adequate supply of Indian bankers trained on sound and modern lines. These suggestions are now engaging the consideration of the Government of India.

The Indian Economic Inquiry Committee was also appointed at the beginning of 1925, to make recommendations as to the lines on which a general economic survey of the country should be carried out. The Committee has submitted its Report and its recommendations have been referred for the opinion of Local Governments, whose co-operation is essential for the purposes of such a survey.

Lastly, as was announced by His Excellency the Viceroy on the 20th January last, the Government of India have obtained the approval of His Majesty, the King Emperor, to the appointment of a Royal Commission on Agriculture, which still forms and will form for years to come the predominant industry of India. It has already been recognized by various speakers who preceded me that a remedy of the unemployment among the educated middle classes may be found in some scheme of agricultural development. My friend, Lala Lajpat Rai, doubted whether the Commission to be appointed is likely to deal with questions relating to the state of employment among the rural classes. Well, I find one of the items which they will investigate is the main factors affecting rural prosperity and the welfare of the agricultural population. That seems to me to be wide enough.

Lala Lajpat Rai The three heads were specially excluded. I was talking of those three sub-clauses which had been specially excluded from the purview of the Royal Commission—land tenure, land assessment and irrigation.

The Honourable Sir Bhupendra Nath Mitra I thought Mr Chaman Lal referred to that, in connection with what he stated about the sub-division of land tenures.

Lala Lajpat Rai That was exactly the reverse. He referred to the sub-division of the land tenures, and I referred to those three clauses. However, it does not matter.

The Honourable Sir Bhupendra Nath Mitra Mr Chaman Lal is now not here, but when he referred to the particular matter of the sub-division of land tenures—I do not know the position in the Punjab, but I know the position in Bengal, and the position in the Punjab is probably the same—I would have asked him, does he want the Government to interfere with the law or Manu? What was his idea?

An Honourable Member Why not? It has been several times

The Honourable Sir Bhupendra Nath Mitra Sir, from what I have said it will be abundantly clear that the Government of India and the Provincial Governments have already taken a great deal of action towards

the investigation of the problem where it is possible for Government to take a certain amount of action in the matter. It is not possible for Government to solve it wholly, because it is obvious, and it has already been brought out by several of the speakers who have preceded me and who are in a position to speak on the subject with more knowledge and confidence than I can claim, that there are certain factors connected with the psychology of the people and then social and quasi-religious habits which enter into the solution of the problem. It is for the leaders of the people in the provinces to take steps to secure a solution of this part of the problem.

Now, Sir, I may say that I have up to now been dealing generally with the question of the unemployment of the educated middle classes, though my remarks apply also to the problem as a whole because I think it will be readily recognized that the only real solution of this problem of unemployment whether among the masses or among the educated middle classes is the development of the country in various directions. In regard to the unemployment among people other than the educated middle classes, I do not know what the position really is all over the country. I know this that in the part of the country I come from, Bengal, there is no such unemployment, and I think my friend, Mr. Bipin Chandra Pal, would be able to support me in this matter, namely, that the unemployment that exists there is the unemployment among the middle classes. In regard to industrial labour, Bengal really imports what it wants. Therefore, the conditions are different in different parts of the country. Possibly the position is the same in the United Provinces as it is in Bengal. That is probably the reason why their local Legislative Council have not included the people outside the educated middle classes within the purview of the Committee they recommended. I have read the debates in the Madras Legislative Council. Apparently in that province there is unemployment among agricultural labourers and therefore the terms of reference to the Committee in Madras have been recommended to be more general. All that I have said indicates the importance of leaving the Provincial Governments, at least at the earlier stages, a free hand to deal with the problem. I have already pointed out that the Provincial Governments are not unmindful of their obligations in the matter. When these Provincial Governments, particularly of the provinces where there is unemployment among people at large or among the educated middle classes, when they have investigated the matter with the help of local Committees on which they are appointing large numbers of non-officials, there may come a time when it may be necessary to appoint a Central Committee, and when that stage is reached, in fact when Provincial Governments come up to the Government of India and tell the Government of India that the time has been reached when a Central Committee is required for the purpose of co-ordination and co-relation, the Government of India will not hesitate to appoint that Committee. At the present moment the appointment of such a Committee would be perfectly futile as has been brought out by various speakers who have preceded me. It will not only be futile, but it may be taken exception to by the local Legislative Councils and the Ministers. In a province like Madras where they are about to appoint a Committee, if the Government of India now intervene at the desire of this House and appoint a Committee of their own, such action is bound to cause irritation to the Madras Legislative Council which passed a Resolution with

reference to which a Committee was about to be appointed by the Provincial Government. The earnest of the Government of India's intentions in this matter has already been given by the fact that they did not hesitate to appoint a Royal Commission on Agriculture when they came to the conclusion that co-ordination of the work done by Provincial Governments had become necessary.

Sir Hari Singh Gour (Central Provinces Hindi Divisions Non-Muhamadan) Did you appoint a Royal Commission or the Secretary of State?

The Honourable Sir Bhupendra Nath Mitra So far as I know the Government of India were responsible for it. It was appointed by His Majesty the King Emperor at the instance of the Government of India. I submit therefore, Sir, that this House should not press the Resolution to a definite issue. In fact I really do not know what the substantive proposition before the House is. There has been a considerable disagreement on the subject and apart from the original Resolution, I believe there are three amendments on which divergent views have been expressed. That being the position, I would implore the House to leave the matter where it is. All the Provincial Legislative Councils will certainly see this discussion and those of them who have not been particularly keen in taking action in the matter will probably feel the impulse of this discussion and will take such action as they ought to take in the matter. In fact, the only action which the Government of India can possibly take under present conditions, even if this Resolution in some form or other were passed by the Assembly, would be to draw the attention of the Provincial Governments to the Resolution.

Mr President Order, order. The original question was

"That the following Resolution be adopted, namely

'This Assembly recommends to the Governor General in Council that he may be pleased to appoint a Committee having a non-official majority to investigate into the problem of unemployment among the middle classes and suggest remedies for the same.'

Since which the following three amendments have been moved

"1 That for all the words after the words 'to investigate' the following be substituted

'the problem of unemployment among the educated classes of India and devise suitable remedies whether by a system of industrial and technical education, or by a revision of the existing system of education, or by offering encouragement to the starting of new industries, or by opening new avenues of employment, or by the establishment of employment bureaux or by all these or any other means.'

2 "That the words 'among the middle classes' be omitted"

3 "That for the original Resolution the following be substituted

'This Assembly recommends to the Governor General in Council that he may be pleased to appoint a Committee with a non-official majority to investigate into the problem of unemployment in general and among the educated classes in particular and devise suitable remedies whether by a system of industrial and technical education, or by a revision of the existing system of education, or by offering encouragement to the starting of new industries or by opening new avenues of employment, or by the establishment of employment bureaux or by all these or any other means, and that the said Committee do make a report on the latter problem as early as possible.'

The question is

"That the last amendment be made"

The motion was adopted by 48 votes against 16

Wednesday, 17th February, 1926

STATEMENT REGARDING NEGOTIATIONS WITH THE UNION GOVERNMENT OF SOUTH AFRICA

Mr J W Bhore (Secretary, Department of Education, Health and Lands) : Sir, with your permission, I should like to make a statement in regard to the position in South Africa.

In his speech at the opening of the Legislative Assembly His Excellency the Viceroy outlined the general course which the negotiations with South Africa regarding the Asiatic question have taken and appealed to the House to continue to trust the Government while the negotiations were still proceeding. The Government of India and the Union Government of South Africa have now agreed that a stage has been reached at which the correspondence that has passed between the two Governments during the last year can suitably be made public. I am, therefore, placing in the Library of the House copies of the communications that have passed between the two Governments on the subject of the position of Indians in South Africa.

2 From this correspondence it will be seen that last April, with the approval of the Secretary of State for India, the Government of India took up with the Union Government direct the question of formulating a comprehensive Indian policy in South Africa which would be acceptable to all the parties concerned, and utilised the suggestion thrown out by Mr Thomas, Secretary of State for the Colonies, to propose a conference on the subject preferably in South Africa, but if the Union Government so desired, in India, or on neutral ground such as Geneva. In the alternative, they asked the Union Government to make other suggestions to bring about a satisfactory settlement of the Indian question. The Union Government replied in June last that while they were quite ready to receive suggestions from the Government of India towards making their policy of repatriation more effective, they regretted their inability to agree to a Conference since it was the policy of all parties in South Africa, by means of strict prohibition of Indian immigration and of active repatriation, to reduce the Indian population in the country as nearly as possible to an irreducible minimum, and such a conference would be viewed with suspicion as an interference from outside. On July 14th, the Government of India renewed the suggestion for a conference on the ground that repatriation could not by itself provide an effective solution of the problem since 63 per cent of the resident Indian population were born in South Africa and regarded that country as their home and on the ground that in order to arrive at a satisfactory settlement alternative measures of mitigating European and Asiatic competition in the economic sphere should be explored. In July the Areas Reservation and Immigration and Registration (Further Provision) Bill embodying the policy of the Union Government towards the Asiatic problem was introduced, and in September the Union Government replied regretting their inability to hold a conference on the Indian question unless its main object was more effective repatriation and unless it was limited to some definite and concrete questions connected therewith. They seemed however, inclined to favour conversations both in connection with repatriation and with methods of reducing Asiatic and European competition. In October the Government of India replied to the Union

Government that before entering into a discussion of the repatriation question or the general question of alleviating direct competition, they would like to send a deputation to South Africa to collect information regarding the economic condition and general position of Indians residing in the Dominion. The Government of South Africa agreed to this proposal on November 10th, and the deputation sailed from Bombay on November 25th. Its defined purpose was to inquire into and report on the economic condition and general position of the resident Indian community in South Africa and to form an appreciation of their wishes and requirements with a view to furnishing material to the Government of India for use in connection with their negotiations with the Union Government. That deputation has collected material and come to provisional conclusions which enabled the Government of India on January 10th to press once again on the Union Government the desirability of a round table conference on the whole question, or, failing that, a fresh inquiry, before the proposed legislation was proceeded with. The Union Government replied on February 6th, that they fully realised our anxiety to place the case of the Indian community in South Africa as fully as possible before them. They expressed their willingness, therefore, to propose the reference of the Asiatic Bill to a Select Committee before the second reading so as to enable the Committee to take evidence on the principles of the Bill as well as on its details, subject to the understanding that the Committee should be required to report to Parliament within such limited period as would enable Parliament to deal finally with the proposed legislation during the present session. This offer the Government of India have accepted, but they have made it clear that their objections to the Bill are fundamental and that they are instructing their deputation to present the case before the Select Committee in respect of general principles. It will follow from the statement of their objections to principles that the Government of India are also opposed to the details of the Bill, but it is not proposed to discuss the latter because the Government of India cannot take any action which might be thought even remotely to imply that they are prepared to waive fundamental objections or acquiesce in the principle of the Bill. (Cheers)

3 From this very brief summary of the course which the negotiations have taken, it will be clear that the Government of India have obtained two important results. In the first place, they have, for the first time since Sir Benjamin Robertson's deputation, their own representatives on the spot in South Africa who are in a position to keep them informed of the progress of events and to present the Indian case on their behalf before the Select Committee, when it is appointed. While the Government of India have on their records a mass of evidence relating to the position of Indians in South Africa, they feel the necessity of keeping it up to date and abreast of the changing economic conditions of the Union and of relating it to the particular legislation under consideration. They are anxious moreover to establish closer touch with the wishes and needs of the Indian community in South Africa. It is in these respects that the presence of their deputation in South Africa is proving invaluable to them. Secondly, they have induced the Union Government to agree that the Asiatic Bill should be referred to the Select Committee before instead of after, the second reading. The principles involved in this Bill are so grave and its effects on the position of Indians in South Africa are of such far-reaching consequence that the Government of India attach great

importance to this concession India naturally takes the strongest objection to measures calculated to relegate Indians to a position inferior to that of other classes of His Majesty's subjects. The Select Committee before the second reading gives a desired opportunity of stating the case and opposing the Bill on these grounds before the Legislature of the Union is committed to the principle of the Bill. The Government of India gratefully acknowledge the assistance that they have derived in the past from the attitude of the Legislature in regard to Indian affairs in South Africa and they trust that when the Members of the two Chambers have had an opportunity of studying the correspondence, which is now made public, they will approve of the line which they have taken.

Diwan Bahadur T Rangachariar (Madras City Non-Muhammadian Urban) May I ask, Sir, if when placing the correspondence in the Library, the Honourable Member will be so good as to arrange to have a copy laid on the table of the House, and also to supply a copy to each Member of the House?

Mr J W Bhore I would like to inform the House that the correspondence is being printed and that I hope to have copies of the printed correspondence ready during the course of the day when it will be possible for Members to have access to copies which will be placed in the Library of the House

Wednesday, 24th March 1926

RESOLUTION RE POSITION OF INDIANS IN SOUTH AFRICA

The Honourable Sir Alexander Muddiman (Home Member) Sir, before you call on the Honourable Mr Jinnah to move the Resolution* which stands in his name, I crave your indulgence and the indulgence of this House to make a statement

* "This Assembly recommends to the Governor General in Council that he will be pleased

- (a) to represent to the Government of the South African Union that the proposed legislation known as the Areas Reservation and Immigration Registration (Further Provision) Bill is wholly unacceptable in principle, it being unjust and inequitable and inconsistent with the rights of British citizenship, and further constitutes a distinct breach of the Gandhi Smuts agreement of 1914 in that it is calculated not only to make the position of Indians in South Africa much worse than it was in 1914, but its provisions are designed to destroy vested rights and to make residence in that country of any self-respecting Indian impossible,
- (b) to make a further effort to induce the South African Union Government to agree to a round table conference consisting of, among others, Indian representatives to settle all grave outstanding matters in controversy between the said Government and Indians,
- (c) to represent to His Majesty's Government that in view of the extreme importance and urgency of the matter it should use its influence with the South African Union Government to bring about a round table conference for the said purpose,
- (d) to arrange if necessary for a deputation consisting of representatives of the two Houses of the Indian Legislature, the Government of India and also of Indians in South Africa to visit England and make necessary representations to the British Cabinet and Parliament,
- (e) to represent to the Imperial Government that in the event of the failure of any satisfactory settlement of the question and of the passing of the Areas Reservation and Immigration (Further Provision) Bill into law His Majesty's Government should advise His Majesty to disallow the said law."

Mr President If the Honourable the Home Member desires to make a statement in connection with the question to be raised by the Resolution of Mr Jinnah, I could not allow him to do so unless Mr Jinnah agrees to such a course being adopted

Mr M. A. Jinnah (Bombay City Muhammadan Urban) I am always glad to hear from the Government any statement that they may wish to make on the floor of this House as they so seldom do so

The Honourable Sir Alexander Muddiman. I am glad that my request has met with Mr Jinnah's approval, and I hope also the approval of the House

Sir, my ground for asking leave to make a statement is that the matter which may come under the consideration of this House is one of the greatest importance on which I do not think there is any difference of opinion as to the object to be achieved on the part either of the Government or of any Member of this House, or of the people of India generally. I am at any rate convinced that, as regards the Mover of the Resolution his one object, I am sure, is to strengthen and not to weaken the hands of Government. Sir, I should like to make my own personal position in this matter as Leader of the House clear. In the first place the Resolution on the paper to-day, and the meeting of the Assembly to-day, is the fulfilment of a pledge I gave on the 28th January last. On that occasion, Sir, I said

"The discussion of the motion and the amendment at this particular juncture will, in the considered opinion of the Government of India prejudice the position in South Africa where negotiations are at a very difficult and critical stage"

Since then the matter was raised in the House of Lords on the 28th February, and Lord Olivier, in withdrawing his motion, made the following remarks to which I would draw the attention of this House

"The steps which have been taken by the Viceroy, in consultation with the noble Earl, have certainly improved the situation in so far as they enabled the whole principle of the Bill to be again discussed, and after we know the result of those steps then, I entirely agree with the noble Earl, will be the time for us, if necessary, to press His Majesty's Government for any further disclosures of their policy or their intentions"

On that Lord Olivier withdrew his motion

Now, Sir, the position with regard to the Select Committee which, as the House knows, is sitting in South Africa, is precisely the same as when the House of Lords postponed discussion. The Select Committee is still sitting and is still at the stage of hearing witnesses. Their report is not expected before the end of the month. The published correspondence shows that the Government of India have done everything in their power to represent the Indian case and to secure an acceptable settlement. I will ask the House to accept my assurance, though it is not necessary to do so as His Excellency has already spoken on the point—however, I renew the assurance that the Government of India will continue to spare no effort to secure that the Asiatic Bill is not proceeded with and to effect an acceptable settlement of the other points at issue. Of the eventual issue it is not possible to make any forecast, but of one thing I feel sure and that is that the discussion at this stage of certain clauses of the Resolution cannot be helpful and may seriously jeopardise any prospects there may still be of a satisfactory settlement. I am confident that no Member of this House, and certainly not the Member in whose name the Resolution

stands, *will* desire to contribute to such a result by any action on his part, and therefore I ask him, after hearing my statement, not to make his motion

Mr. M A Jinnah Sir, I have listened to the statement made by the Honourable the Leader of the House on behalf of Government. I fully realise the situation that is facing us at the present moment. On the 17th of February 1926 Dr. Malan, the Minister in charge of this Bill in the South African Union Parliament, stated as follows

"So far we had turned down two very important requests of the Government of India, and under these circumstances we realise that the feeling was springing up in India, and also among the Indian community in South Africa, that we were forcing through this most important legislation in which they were so vitally concerned, not only against the will of the Indian community and the will of the Government of India, but forcing it through without giving them any proper opportunity of laying the case of the Indians before the Government of the country and before the Legislature."

From this it will be obvious that the South African Government have realised the intensity of feeling not only in this country amongst all sections of the people but also the intensity of feeling of the Indians in South Africa, whose vested rights are in jeopardy if this measure is passed. Sir, he further proceeded to say

"We felt that it was only right to attach certain conditions and safeguards. We felt it was necessary to do this."

—(that is, the course that they adopted)—

"because this was under the circumstances prevailing in South Africa and this House an unusual procedure (the unusual procedure being that the order to move the second reading of the Bill was discharged and a Select Committee was appointed)"

And further he recognised that the Government of India had taken up a very clear and precise position, and in his own words he says

"We fully recognise that our proposals"

—(that is, the Government of India's telegram)—

'have been given the fullest consideration, and we further understand that the offer now made to us involves departure from the normal parliamentary practice and procedure. We see in it another proof of the desire on the part of your Ministers to find a solution of this problem.'

The telegram added that the Government of India accept the offer to let the Bill go to the Select Committee before the second reading and noted with satisfaction that the terms of reference would be sufficiently wide to include the principle of the Bill. They assume that the representatives of Indian opinion in South Africa would have an opportunity of presenting their claims which they felt sure the Union Government would agree would not fail to assist the Committee enormously in their task.

Now, Sir, I fully recognise that that Select Committee has not concluded its labours, that it has not yet made its report and, to put it in legal language, the matter therefore is *sub judice*. And, Sir, nothing is further from my mind than to weaken the Government of India or their position in relation to the negotiations which are going on, and I shall be the last person who by doing it might enable the Government of India to say that because of your actions we lost this battle which is a forlorn hope in my opinion, if for no other reason, for one reason alone, that we on this side would not like to come in for the slightest blame by doing anything

which might be said to have frustrated the object we have had in view. Therefore, I am in the very difficult and delicate position, and I have no desire to move this Resolution at this moment. But I would draw the attention of the Government to one fact, and that is that Dr. Malan, in this very speech of his which I have read, says that this piece of legislation must go through before the end of the Session of the Union Parliament, which is about the end of May. Supposing the Government of India, who are doing their utmost—and I recognise that there is complete agreement between them and us—ful and this Bill is passed through before the end of the Session, where shall we stand? This Legislature will be deprived of the opportunity of expressing its opinion and making the recommendations, particularly the last recommendation which is contained in my Resolution. This is a matter of the most vital importance, you know the intensity of feeling throughout the country. I would therefore request the Government that in this matter, they should go to the length of calling a special Session of this Assembly, if necessary, at an early date and give this Legislature an opportunity of then recording its opinion and supporting them further in the event of there being a disaster. (Applause)

The Honourable Sir Alexander Muddiman Sn, I recognise that my friend has adopted what I think this House will consider a statesmanlike course in the action he has taken, and I thank him on behalf of the Government, but more on behalf of the Indians whose interests might otherwise have been seriously prejudiced. I notice he has referred to the negotiations and has feared an ill issue, on that it would be improper for me at this moment to express an opinion, though I myself think that if one goes into negotiations with a defeatist feeling it is likely to lead to defeat. I, though not very optimistic, am perhaps slightly more optimistic than he is.

In regard to a special Session in the event of things going wrong, it is not open to me to make any pronouncement because, as my Honourable friend well knows, the calling of the Session rests with the Governor General, and it will rest with a Governor General who is not yet even in the country, but I can promise that this debate will be laid before him at an early date on his arrival.

Thursday, 18th March, 1926

RESOLUTION *RE* REDUCTION OF THE EXPORT OF OPIUM.

The Honourable Sir Basil Blackett (Finance Member) I rise to move the following Resolution

"That this Assembly recommends to the Governor General in Council that immediate steps should be taken to give effect to the policy of progressively reducing the exports of opium from India except for strictly medicinal or scientific purposes so as to extinguish them within a definite period."

Sir, this Resolution is confined to the question of the Government of India's policy in regard to the export of opium. It is an international question and the Resolution is moved in order to prove to the world the good faith of India in regard to certain international agreements into which she has entered. The original step of which this is the logical consequence was taken 15 years ago. In the year 1911 it was decided

that exports of opium from India to China should be progressively restricted and eventually abolished, so as to terminate such exports by the year 1917. That agreement was entered into with the Government of China and the Government of India on its side undertook that it would entirely prohibit the cultivation of opium in China. As a matter of fact that agreement lasted for only two years, because in the year 1913 the suppression of opium cultivation was taken up in China vigorously by the new republican government that had recently been established there, and the Government of India, in order to encourage China in this stricter policy, agreed in the year 1913 to abolish exports of opium to China altogether, and since that date there have been no illicit exports of opium from India to China. Our exports have been confined to those which go to the non-China markets in the Far East. With them also the Government of India are acting under an international agreement. That international agreement was eventually ratified by India in the year 1920, eight years after the Hague Opium Convention had originally been drawn up. But the Government of India had been acting on it meanwhile during the period since it was originally drawn up. The signatories to the Convention undertook that exports of opium should be restricted or prohibited by all the signatories to any country which desired the import of opium into its territories to be prohibited or restricted. It was left to the Government of the importing country to decide how far imports of opium should take place, to control them strictly with a view to preventing abuse and preventing smuggling into China. In order to carry out that policy the Government of India adopted a system under which exports of opium took place only when there was an import license to cover them, that import license being given by the Government of the importing country. The exports took place in two forms. An increasing proportion of them took the form of imports by the Government of the importing country who bought direct from the Government of India under an agreement for direct sale. In addition opium chests have been sold monthly in Calcutta for export under license from an importing Government, but to be imported not by the Government to whose country they were going, but by private individuals who received a license from the Government of the importing country. We have recently been trying to extend that system of direct sale so as to cover all our exports, and an agreement is on the point of being signed with the Government of Indo-China which is the last of our large purchasers through the Calcutta auction system, and when that is concluded we hope to be able to stop the system of auction sales altogether. All our exports will then be in the form of exports under direct sales agreements with importing Governments. Meanwhile a third stage in the international story is marked by the discussions that have taken place in 1924-25 at Geneva. After discussions which were sometimes rather acrimonious, at Geneva, two Conventions were drawn up. The first of these Conventions is one which was signed by the representatives of all those countries which take Indian opium. It provides that the countries which at present import opium for smoking purposes should take steps completely to suppress the consumption of prepared opium in their territories within fifteen years from a date which is to be fixed by a Commission of the League of Nations. This date which I am afraid is still rather far in the future, is to be fixed by the League of Nations as soon as it comes to the conclusion that the exporting countries have controlled the export

of opium from the territories sufficiently to prevent the smuggling of opium from continuing to be a danger to the carrying out of this policy

The second Opium Convention is, however, the most important in this connection. The first article of the Protocol of that Convention requires the States which are signatories to the Protocol, in view of their duties under Chapter I of the Hague Convention, to establish control over the production, distribution and exportation of raw opium in order to prevent illegal traffic—I shall now quote from the Protocol itself

“to take such measures as may be required to prevent completely within five years from the present date the smuggling of opium from constituting a serious obstacle to the effective suppression of the use of prepared opium in those territories where such use is temporarily authorised”

The Government of India have carefully considered their obligations under this new Convention, and they have come to the conclusion that that Convention puts an obligation on India which is not sufficiently fulfilled simply by allowing opium to be exported to the countries in the Far East which desire to import it under license, without the Government of India taking some steps of some kind to assure themselves that the imports under license from the importing Government are being put solely to the uses recognized as rightful. Now that puts the Government of India in a somewhat awkward position in relation to other Governments. It is very difficult for one Government to go behind the signature on an importing license of another Government and to make inquiries as to whether the statement by that Government that the opium is necessarily required for what may be regarded as legitimate purposes is completely justified. The Government of India have themselves undertaken an obligation to prevent the exportation of raw opium from constituting a danger, and they have also undertaken an obligation to give their best assistance in preventing the smuggling of opium from being a danger. The Government came to the conclusion that in order to carry out their obligations in full, they could not confine themselves to a consideration of the strict letter only and must give some weight to the spirit of the Convention where a strict adherence to the letter might not be sufficient. It will be remembered that there has been a good deal of criticism, I think largely uninformed, in regard to the Government of India's attitude in the matter of the export of opium. It does not seem to be realised that the Government of India is the one Government in the world which has made a serious sacrifice of the tax-payers' money in order to achieve the beneficent ends in view in these Conventions. The Government have sacrificed a revenue that amounted in 1911 to 8 crores, and with the rise in prices that has since taken place would have been considerably more at the present day had conditions as they were prior to 1912 continued. Instead of that revenue of 8 crores, the Government of India's revenue is now only just 2 crores and will under this new proposal over a period of years diminish until it vanishes altogether and there will be no revenue whatever from the export of opium (Mr. Harchandrai Vishandas “Thanks to Mr. Gokhale”). The effect of the Government's action in regard to the countries importing opium from India will be that these countries will no longer have any reason to fear or to complain that the Government of India is attempting to go behind their import certificates. The Government of India will lay down that the maximum export will

be rationed each year on a progressively declining scale and there will be no question of the Government considering whether this country or that is importing opium for purposes for which opium is stated in the import certificate to be imported. The Government will simply automatically by an arbitrary rule limit the exports from year to year until they finally cease. The result of that will be a final loss of opium revenue. The object in view is one with which I am sure everybody in this House and in India is in sympathy, to prevent the abuse of opium. I am not myself prepared to say that looking to the immediate future that object is likely to be very quickly attained. I am afraid that the self-denying action of the Government of India and the tax-payer since 1911 and 1912 has not been to reduce the amount of opium available for use in China, but it has at any rate been to prevent Indian opium from being the cause of the existence in China of a vice which is recognised to be a vice. If opium smoking continues on a scale which has scarcely been affected by the events of the last 15 years in China, it is no longer due to any action of the Government of India. The opium is now produced mainly in China itself and there is no blot on India in the matter, but it does mean a very severe loss of revenue to the Government. I do not think that it is necessary for us at this stage to consider the rights and wrongs of the action taken in 1912 and since. We have entered into certain conventions and obligations and this is the logical conclusion of the obligation first entered into in 1912 and at the Hague Convention. The result will be to set India free of any responsibility whatsoever for the use of opium for purposes for which it ought not to be used in the Far East.

One question remains still undecided and that is the period over which the progressive reduction of opium exports is to extend. The difficulty in the matter will be obvious to Honourable Members when they remind themselves that in the United Provinces and in the Malwa States the opium crop is a very important one to a large number of cultivators. We have recently made drastic reductions—quite independently of this policy of ultimate prohibition of export of opium—in the area cropped in the United Provinces partly because we have been getting such large crops that there are stocks beyond all reasonable amounts. It will be necessary to make further reductions in the area cropped for opium in the United Provinces in the immediate future and we are anxious that we should do all that we can to ease the period of transition for those who are now growing opium. There are alternative crops of real value but the period of transition is a difficult one. There have been hardships and considerable complaints already as the result of the reduction that was made independently of this policy, and we are anxious therefore before coming to a final conclusion as to the period over which this reduction shall extend, to have fully worked out a programme for transition from opium to other crops in the United Provinces and at the same time to have some clear understanding with the Malwa States as to the question of opium production there. The problem is a difficult one. It is complicated, first of all, by the existence of unduly large stocks and, secondly, by the fact that the cultivation of the poppy in the Malwa States is not so directly under the control, to say the least of it, of the Government of India as is the production in the United Provinces. The working out of that programme, therefore, may take a little time. But the general proposition remains that this House should agree with the Government of India in this proposal to wipe finally from the slate all responsibility

of the Government of India in the matter of export of opium for undesirable uses in the Far East Sir, I move

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions Non-Muhammadan Rural) Sir, I heartily support the proposal that the Assembly should recommend to the Governor General in Council that immediate steps should be taken to progressively reduce the exports of opium from India except for strictly medicinal or scientific purposes so as to extinguish them altogether within a definite period. The decision, Sir, is one which undoubtedly will involve much loss of revenue and loss to the cultivators also, but it is a humane and statesmanlike decision and I cordially congratulate the Government of India and the Honourable the Finance Member on having arrived at it.

***Diwan Bahadur M. Ramachandra Rao** (East Godavari and West Godavari cum Kistna Non-Muhammadan Rural) Sir, I have listened with considerable interest to the speech of the Honourable the Finance Member in regard to this very important question. I also endorse every word which my Honourable friend Pandit Madan Mohan Malaviya has said in regard to the humane character of this policy. One of the contentions which I put forward the other day was that if the Government of India accept this policy of progressively reducing the exports of opium from India, with a view to restricting it to medicinal or scientific purposes, it necessarily follows that, if this policy is good for China and other Eastern countries, it is equally good for India. That is the position which I tried to take up the other day, and if I say a few words in regard to this matter it is entirely for the purpose of persuading my Honourable friend that this policy which is adopted in regard to other countries should be extended, on account of its beneficent results, to the people of this country. It is perfectly relevant in a discussion of this subject to point out to the Government of India that they are pursuing a policy for restricting the use of opium to medicinal and scientific purposes, and if this is their policy abroad it is perfectly relevant to point out them.

Mr President The Honourable Member may point out only in a general way what the policy should be in regard to the internal consumption of opium.

Diwan Bahadur M. Ramachandra Rao I wish to point out in a general way that if they have not a policy also in regard to the internal consumption of opium with a view to finally extinguishing its use in India, except for medicinal and scientific purposes, there would be a variation between their position in regard to other countries and their policy with reference to the state of things in this country. I do not say that the Honourable Member is not at all alive to that aspect of the question. I am grateful that the Government of India have considerably reduced the consumption of opium in the provinces, and all that has been stated in the report of the International Conference at Geneva was that the Ministers have inherited a stricter system of control from the earlier authorities, and the Government of India would have no objection, if they have any other policy with a view finally to extinguish the use of opium except for strictly medicinal and scientific purposes, to the extension of that policy to the people of this country. I wish to assure the Honourable Member that we do realise that the policy during the last ten or fifteen years or so

has resulted in a considerable reduction of consumption, but what I contend is that it has been pointed out in the Report of the Assam Congress Inquiry Committee that it is necessary that the Government of India as well as the Local Governments should keep this matter in view so as finally to extinguish the use of opium except for the purposes mentioned in this Resolution. Opium smoking in Assam is vividly described in that Report, and there are parts of India where its uses are certainly very deleterious, and it is necessary that some legislative and administrative steps should be taken for the ultimate extinguishing of this poison, except as stated here, for medicinal and scientific purposes only. That is the point which I wish to urge on the Honourable Member.

Then I have one or two remarks to make. I would like to suggest to the Honourable Member that these international agreements should be brought up for ratification by this House. We, who represent the people of India, should have some voice in the policy which eventuates in these international agreements. Take the Locarno Pact. It is open to the Government of India, without any reference to the representatives of the people, to drag India into a European war. Here again is another international agreement entered into without any reference to the people of this country, which ultimately led to a loss of revenue of nearly 2 crores of rupees. I am pointing out these facts. If these particular agreements are to be entered into by the executive Government without any reference to the representatives of the people, the representative character of this House is at an end. Therefore, Sir, whenever there are these international policies which have a bearing on the administrative machinery of this country, financial or otherwise, they should be ratified, as they are in other countries, by a vote in this House. That is one remark that I should like to make.

The second point I should like to ask the Honourable Member about is this. Of course he himself has stated that it would ultimately mean a loss of two crores of rupees, and I was rather surprised that he forgot all about the provincial contributions which he so often mentions in connection with proposals that are put forward by this part of the House. How is this two crores to be made up? What are his proposals? In how many years does he expect to extinguish this traffic and what are the exact proposals which he has in mind? I should have been very glad if he had made some remarks on that point because it means that for the purpose of carrying out international obligations entered into by my Honourable friends without the concurrence of this House, which means the concurrence of the people of India, my Honourable friend may bring forward proposals which may involve the taxation of the people of India for the purpose of making up this loss of revenue.

Diwan Bahadur T. Rangachariar (Madras City Non-Muhammadan Urban). You approve of it?

Diwan Bahadur M. Ramachandra Rao. I do, but it does not mean that I approve of every measure my Honourable friend may have up his sleeve for the purpose of making up the revenue. That is quite a different proposition. That is what I wish to bring to his notice, that when such a proposal involving a loss of revenue is made, though from the humanitarian aspect I approve of it, it does not mean I should be necessarily forced to approve of every measure he brings forward.

Diwan Bahadur T. Rangachariar Necessarily it means increased taxation

Diwan Bahadur M. Ramachandra Rao That is the point. If I can approve also of his methods of making up the loss of revenue I will certainly be more comfortable in dealing with the proposition. The loss of revenue may be made up by retrenchment, it may be made up by a reduction of military expenditure, it may be made up by an increase of the salt tax, or by putting up the rates of income-tax. I do not know how this is going to be made up. I am mentioning the difficulties in which he is placing us by asking us to approve of this proposal. While on the one hand I see its international aspect and the humanitarian side of it, my Honourable friend said nothing as to how "in the course of years", as he said, but I do not know how many years, he proposes to make up this revenue, and I sincerely hope that, whatever he may do, he will not increase the burdens of the people for the purpose of carrying out international obligations incurrent not by ourselves or with our concurrence, but by the Executive Government of this country. That is the point to which I would ask my Honourable friend to make a reply. I have been reading the debate on this subject in the Council of State, in which he said that the Local Governments have been asked for their opinions in regard to a more progressive policy for the reduction of the consumption of opium and that some opinions have been received and they are under consideration. I trust, Sir, that the logical conclusion of the adoption of this arrangement will be that they will have a more progressive policy in regard to internal consumption of opium and that the Government of India and the Local Governments will not hesitate to adopt such a policy, whatever may have been said by the delegates at the Geneva Conference.

Sir Hari Singh Gour (Central Provinces Hindi Divisions Non-Muhamadan) Sir, my Honourable friends have been referring to this Resolution as a humanitarian one. I fear, Sir, it is more a sentimental one. Some few months back I questioned the Honourable the Finance Member on this very topic. I asked him three or four questions. The first question was, is it not a fact that since the reduction of the export of opium from India, the consumption of opium in China has gone up rather than gone down? And is it not a fact that Indian opium has been amply replaced by opium grown in Persia, Turkestan, and China itself? And is it not further a fact that China had committed itself, had in fact given a definite pledge that on the Indian Government curtailing the export of opium, they on their part would not grow opium locally and would reciprocate the humanitarian action of the Government of India by stopping the smoking and eating of opium by the Chinese? Well, Sir, the replies to these questions, which are on the records of this House, have disillusioned me. It has been found that while under the influence of the Anti-Opium League our revenue from the export trade has steadily diminished the countries to which we exported opium in times past are none the wiser for it, and the consumption of opium in those countries has not in the slightest degree affected their sobriety, so far as opium smoking and eating are concerned. Now, Sir, in view of this fact I fail to understand my Honourable friend's appeal to humanitarian sentiment. I would have begun, Sir, by applying my doctrine to the country itself on the well-known adage that "charity begins at home" and I would have expected the Government of India first to say that if we are to apply the dictates of humanity we should apply

them to the people of India, because in applying those dictates to the people of India we would be quite sure that we could prevent the import of opium from neighbouring countries such as Persia, Turkestan and China itself, and in that case the effect of the prevention of the consumption of opium in this country would have naturally led to beneficial results and the sacrifice of revenue would then, I submit, have been justified. But what the Government are trying now to do is to enforce an international compact leaving India as it is and curtailing the export of opium to China. Now that I submit, is a questionable proposition and I submit that if the Honourable the Finance Member before he brought forward this Resolution, had asked us to consider the International Convention in pursuance of which this Resolution finds itself on the agenda paper to-day, we would have had a great deal to say about it. I entirely agree with my Honourable friend Diwan Bahadur Ramachandra Rao that these International Conventions involving the country in large financial losses should not have been accepted by the Government of India without the consent and concurrence of this House, and I, therefore, enter my protest with him against agreeing to these Conventions and giving effect to them behind the back of this House.

My next point is what assurance has the Finance Member, and for the matter of that the Government of India, obtained from the countries to which the export of opium used to be made and is now to be limited. Have they got any assurance from those countries that they will be more sober in consequence of the non-supply of opium from India? Nothing of the kind. And then I wish to ask what is the meaning of these eloquent periods that we hear from both sides of this House that this Resolution is inspired by high and noble humanitarian purposes. You do not make one Chinaman less sober or more sober.

Pandit Madan Mohan Malaviya If some one else must steal, I will not.

Sir Hari Singh Gaur You do not, I submit, make these foreign people more sober or less sober by the fact that you supply or do not supply opium. They get it otherwise. And we lose the revenue. My Honourable friend Pandit Madan Mohan Malaviya ejaculates that if other people steal we do not steal. My answer is that we do not steal at all. We were engaged in an international trade. We did not tell the people in China to go and smoke opium. We simply exported opium just as we export quinine, and people can just as well poison themselves with quinine as they can with opium. I therefore, submit that there is no moral justification for the sacrifice of this large revenue of the country for which the Honourable Finance Member has disclosed as yet no substitute, without assuring himself that the result for which this sacrifice is sought to be made would be assuredly beneficial and that some guarantee is forthcoming from the countries concerned that they will second the efforts of the Government of India in reducing the consumption of opium and in restricting the supply from other countries. On these grounds, Sir, I do not feel at all convinced that the Honourable Finance Member has made out a good *prima facie* case. I am perfectly at one with him and with my Honourable friends on this side that the supply of opium should be curtailed, that opium is a noxious drug, and that it is not right that we should export opium to other countries provided the countries concerned would benefit by our non-supply of opium;

and that is a proviso upon which I wish to lay particular emphasis in view of the facts that I have stated

Mr K Rama Aiyangar (Madura and Ramnad *cum* Tinnevely Non-Muhammadian Rural) Sir, if any one is responsible for this kind of argument on the part of Honourable Members on this side, I should think that the Honourable Sir Basil Blackett is. Whenever a question of reduction of taxation was put forth, he always pointed to the provincial contributions or some other thing which would affect what is dear to this side of the House. Now the same thing is put forward by this side. But this ought not to deter this Assembly from passing the Resolution which has now been put before them. The Resolution is worded very guardedly. I dare say the question will be looked into very carefully by the Finance Department and the other department responsible for the cultivation of opium and restricting its area. If it is worked out properly it should be so graded that the finances should not at all be affected by this question of loss of revenue which could be made up by other increases in the course of some years. Of course the Honourable Sir Basil Blackett was not able to give us the exact period within which this could be effected. I dare say it would not be over 20 years. If I am right, and I believe that was said in another place—if it is properly worked out it will be quite possible to allow growing revenues practically to replace the loss without much effect being felt by the Assembly. That is one point I wish to place before the Assembly. Secondly, whenever you begin to decide upon a question of this kind conferring lasting benefit you ought not to be deterred by the idea that this false revenue, as I would call it, is going to be lost. Are you going to falter with respect to the loss of excise revenue about which we are so particular. All that we can recommend is, as it has been recommended by some Provincial Governments, that this may be done in course of years, so that the other revenue which might grow in its own way may make up this loss. We must be prepared to wipe that out as early as possible. That being so, this question ought not to be affected by any consideration of loss of revenue. Again this has been a subject that has commanded the attention of this House for a very long time, from the days of the late Mr Gokhale and if it is given effect to, we have certainly to feel thankful to God for giving this Assembly and the Finance Member an opportunity to put it in the form of a Resolution which would receive the acceptance of the public. The only thing I will add is, taking all these into consideration, I once again urge upon the Finance Member to see that he does not pit one item against another. The whole question of adjustment of taxation requires consideration in all its various aspects. Every matter should be given its due place. Of course we have reduced provincial contributions during these two years by about four crores, which means that we are progressively reducing them, and that should be the only aim, they should be reduced at the earliest opportunity. But that should not come into conflict with another duty that we owe. As I have said, if we have 40 crores of extra taxation on the country, some attempt should be made to reduce it by degrees. While you are bound to reduce provincial contributions, try at the same time to reduce taxation also. Of course the measure to be adopted in each case is a matter upon which I should say the Finance Member should take full responsibility and show by his arguments that he has exercised his judgment for the best. This side of the House has clearly stated that it did not agree with the Finance Member in respect of the

proposals that he made by which he refused to reduce taxation, but they thankfully and gladly accepted the further reduction in the provincial contributions provided for next year and also the abolition of the cotton excise duty. This House felt that it was possible to give further help to the poor tax-payer of the country, and that has not been done. It is in fixing how the final results should be arrived at that the Finance Member must show a sympathetic grasp of the whole question and make a distribution in the best interests of the country. While I am for abolishing the provincial contributions gradually, I also ask that such help as possible be given to every side. Let me at least take this occasion of reminding the Honourable Sir Basil Blackett that in abolishing the opium revenue he is going to lose revenue to this extent, and I congratulate him for my own part on this bold step he is taking when according to him India wants all the money now collected by this extra taxation. But I want him also to be similarly bold in reducing taxation in such proportion as it ought to be done in present circumstances.

The Honourable Sir Basil Blackett Sir, I do not think that it would be wise of me to follow the last speaker into a reopening of the question of what priority you should give to reduction of taxation over reduction of provincial contributions. But let me deal at once with the effect of this prospective loss of revenue on our financial position. Now, it is perfectly true that at some future date, when you are no longer getting 2 crores a year of income from exports of opium, you will have to see that the rest of your taxation must be higher to bring in a sum to the extent of 2 crores more than if you had not given up your opium revenue, or alternatively your expenditure must be 2 crores less than it would otherwise have been, and that means that you must forego presumably desuable expenditure to the extent of 2 crores. That is looking at the thing purely as a theoretical proposition in the future. You cannot do without 2 crores without being without that 2 crores. But so far as the immediate future is concerned the problem is complicated by other considerations. In the first place, as I have already pointed out to the House, we have unduly large stocks of opium at the present time. And simply in view of that fact, without reference to this policy, we have considerably reduced the total area under cultivation, and some further reduction will be necessary in order to pave the way for the ultimate extinction of exports. But during that time we shall tend to be using up stocks, so that though our gross revenue from opium will be less by the amount by which we have reduced our exports, our net revenue will tend probably during the earlier years of the period to be rather higher than it would otherwise have been owing to the size of the stocks, so that there is not in the immediate future any large amount of revenue to be lost. We shall be getting less revenue, but we shall be spending less on producing opium because of the size of our stocks. That will tend to be the position. Of course it will have to be modified with reference to the desirability of making the reduction of area fall as lightly on the cultivator as is possible. But I do think we can look forward to a position in which such loss of revenue as we may incur will not seriously affect our budget position in the next two or three years. That being so, the only answer I can give in regard to provincial contributions is that at any rate I live in hopes that before we begin to suffer seriously from the loss of revenue from opium, we shall have arrived at a solution of the provincial contribution problem. That is optimistic perhaps, and it depends on providence quite as much as on the Finance

Member But I have at any rate hopes that the provincial contribution problem will be reasonably settled before the necessity of finding alternative income or alternative reductions of expenditure to take the place of this opium revenue becomes a serious problem for the House. Next, Mr. Ramachandrarao raised the question of the internal use of opium. I think he and others who spoke on this point have slightly misunderstood the exact meaning of the Resolution before us. The Government propose that they should cease to export opium altogether within a limited number of years except for medicinal purposes. But that does not mean that they express the opinion that opium ought to be used only for medicinal purposes. Their international obligations require them to take all steps in their power to prevent Indian opium from being smuggled, and in order to prevent the smuggling of Indian opium after it has left India, the proposal is to arrive at a position where it does not leave India at all except in what will be comparatively small quantities for medicinal purposes. That is quite another proposition from the statement to which I myself am not willing to subscribe that opium cannot be properly used for any but medicinal purposes.

The same speaker spoke of this policy having been adopted without the Convention having been brought before the House for ratification. Now the question of bringing international conventions before this Legislature for ratification obviously raises a larger issue than the House would desire me to pursue at the present moment, but I claim that in this case the Government of India knew, during the time that they were considering the Convention, long before this had reached the stage of being a convention, that the view of at any rate a majority in this House as expressed in numerous speeches on numerous occasions was in favour of the general lines of the policy that the Government of India were pursuing, if indeed it did not think that the Government of India's policy fell short of what the more progressive prohibitionists in this House would have desired. Therefore we cannot, I think, be open to the accusation of having pushed the House into an international obligation contrary to the views of the spokesmen of the country in this House.

The Resolution now before this House is not that we should ratify that Convention, but that in order to fulfil both in spirit and in letter the obligations undertaken in the Convention we should go somewhat further than the letter of the Convention and restrict our exports gradually until they are completely got rid of. Sir Hari Singh Gour, and, I think to some extent, my friend Diwan Bahadur Rangachariar feared that we were immolating ourselves on the altar of infructuous results, if I may mix my metaphors. I did not claim when I first spoke that the effect of this action on the part of the Government of India would be to bring about the millennium or even to bring about any immediate reduction in the total quantity of opium used and abused in the world. It is to some extent a case of casting our bread or opium upon the waters, whether we shall find it after many days is a matter for speculation. But, as Pandit Madan Mohan Malaviya pointed out, we are taking this action on the strict line that international obligations and the position of India in the world make it desirable that we should go ahead without fear of consequences, and there is very little more to be said on that. We have entered into obligations and we are pursuing a logical course.

As regards the position of the cultivator, to which my friend Diwan Bahadur Rangachariar drew attention, that is naturally a matter which

the Government of India and the Provincial Government concerned have particularly in mind, and it is, as I said before, because of our anxiety to do full justice to the cultivator that we have not felt it possible as yet to fix a definite period within which opium exports are to be finally abolished. The difficulty is to some extent a financial one. There are, as far as I understand, alternative crops, such as wheat and sugar, which are entirely productive and which can be easily changed over to by the cultivators. But the cultivator has been in the habit of receiving financial assistance for the production of opium which he would not normally get for the production of other crops. The custom of the business of the growing of opium has been to make advances for cultivation and this is not the normal custom, I gather, in the alternative crops. It is a matter which the Government of India and the Government of the United Provinces will have to take into very careful consideration.

On the whole, I think that the House, though it is not anxious to lose this revenue, is anxious to carry this Resolution. The House will thereby be putting a final seal on the action taken as long ago as 1908, when we first entered into discussion with China in regard to the restriction of exports and since then enshrined in various international agreements and Conventions showing that the Government of India and the people of India have no desire, even though it costs them considerable sums out of their own pocket, to be a party to the abuse of opium outside India. I trust the House will carry this Resolution unanimously.

Mr President The question is

“ That this Assembly recommends to the Governor General in Council that immediate steps should be taken to give effect to the policy of progressively reducing the exports of opium from India except for strictly medicinal or scientific purposes so as to extinguish them altogether within a definite period ”

The motion was adopted

Monday, 6th February, 1926

DEMANDS FOR SUPPLEMENTARY GRANTS IN RESPECT OF RAILWAYS

EXTENSION OF THE LEE COMMISSION'S RECOMMENDATIONS TO OFFICERS OF COMPANY RAILWAYS

The Honourable Sir Charles Innes Sir, I beg to move

“ That a supplementary sum not exceeding Rs. 68,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of the ‘ Working Expenses—Administration ’ ”

The particulars of this Demand have been set out in detail on pages 2 and 3 of this Blue-book which has been circulated to Honourable Members. Of the 68 lakhs for which I am asking, the Standing Finance Committee have approved of 31 lakhs. Somewhat naturally they preferred, not to express an opinion upon the balance, namely, a Demand for 37 lakhs of rupees which I am asking for for the purpose of extending the Lee Commission's proposals to officers of the East Indian Railway, the Great Indian Peninsula Railway and Company Railways with effect from the 1st April, 1924. The House will

remember that we made provision for the amount in the Budget of last year. That provision was, however, cut out with my consent. I did not oppose it being cut out for two reasons. In the first place, in February last year the Governor-General in Council had not been able properly to consider the matter. In the second place, as the House will remember, the Lee Commission's proposal consisted of two parts. One part proposed certain benefits to officers. The other part made certain proposals for increased Indianisation. In particular they made a recommendation in regard to Indianisation on the Indian Railway in the following terms:

*We are strongly of opinion that the retention of the existing facilities should be pressed forward as a political necessity in order that recruitment in India may advance to a proportion of 10 per cent. of the total number of vacancies in the Railway Department as a whole.

In fact, as the Honourable the Leader of the House said in a speech in this House, those proposals were in the nature of a *fait accompli*. Now, when we discussed the Budget last year I had not been able to accept that part of the Lee Commission's proposals which related to Indianisation, and it was for the reason that I thought it would be wrong for me to press the proposal before the Assembly. Since then we have had correspondence with the Company's Railway and their Home Board. Of course there is no difficulty about the East Indian and the Great Indian Peninsula Railway, since last year we took both railways under direct State management. But as the result of our correspondence with the Home Board of the Company's Railway I am in a position to say that they do accept the proposal of the Lee Commission with regard to Indianisation, that is to say, they are prepared to expedite training facilities in order that they may work up to a recruitment of 75 per cent. of the total number in their departments in India.

Mr. B. Das (Orissa Division—Non-Muhammadian). For which year—1924 or 1925?

Mr. A. Rangaswami Iyengar. I was not following the Honourable Member. Will he kindly state the position again?

The Honourable Sir Charles Innes. I was trying to explain to the House, or those of the House that were listening to me, that the Lee Commission's proposals consisted of two parts, one relating to certain benefits for officers, and the other relating to increased Indianisation. They made certain proposals regarding Indianisation and those proposals have been accepted in full by the Company's Railways. That is the position I wish to bring before the House. That being so, the case is now ripe for submission to this House. I am aware that the House has already decided not to have anything to do with the Lee Commission's proposals, but I am not without hopes that they will accept the fact that those proposals have been extended to officers of Government departments. They have been extended among others to the officers of State Railways. Now, the scales of pay of officers of Company Railways are based on the scales of pay in force on State Railways, in no case are they greater. There are officers on Company Railways doing approximately the same work, there are officers of corresponding status and emoluments to officers in the Indian Service of State Railway Engineers and officers of the superior revenue establishment of State Railways. We have also ascertained by an actual examination of records that

whatever improvement the Government of India have sanctioned, improvement of pay or improvement in the conditions of service, for officers of those two departments of State Railways, Company Railways have been authorised automatically to extend the same concessions and the same improvements to their own officers. This being so, these officers we consider have a right to expect that they should get the same benefits as have been extended to the State Railway engineers and the officers of the superior revenue establishment of the State Railways. We do not think it would be fair to withhold these concessions from them, and since the Home Boards of Company Railways have accepted that part of the Lee Commission's proposals which relate to increased Indimisation, we are satisfied that we, on our part, must extend these concessions to their officers. That, Sir, is the reason for this Supplementary Grant which I am asking.

Mr M K Acharya Sir, I rise to move the amendment standing in my name

"That the Demand under the head Working Expenses—Administration' be reduced by 37 lakhs."

The House has just listened to the arguments of the Honourable Sir Charles Innes asking the House to vote this Demand. I should be insulting the intelligence of this House if I should traverse at any length the old ground which ought to be very familiar to us all with respect to the manner in which the Lee Commission was appointed or its recommendations made. This House not without some great effort on its part got the chance of discussing the recommendations of the Lee Commission in detail on the 10th September, 1924. I hope that everybody, on this side of the House at least, remembers, and Sir Charles Innes seems to have referred to it himself,—everybody on this side of the House remembers the feeling with which the recommendations of the Lee Commission were greeted by the representatives of the people. It must be within the memory of everybody present here how on the 10th September, 1924, the Leader of the House wanted this House to give its sanction to the very many recommendations of the Lee Commission and how an amendment was moved by my honoured leader Pandit Motilal Nehru to the effect that for reasons stated in the amendment the recommendations of the Lee Commission be not accepted. It is enough for my purpose now to point out that the amendment was carried by this House by 68 votes to 16. In other words, the amendment that the recommendations of the Lee Commission be not accepted was voted for by almost every non-official Member of this House, and that ought to have shown the official side the great feeling in the country. Almost everybody who came here as representing the people felt bound on that occasion to show in the most unmistakeable terms that the non-official Members of this House would not be a party to what has been very properly called the *Lee loot*. Here we are called upon by the Honourable the Commerce Member to give an expression of our opinion again on that same question. He has referred very rightly to what happened last year at the appropriate time, namely, the Railway Budget. On the 27th February 1925 this item came up and there was an amendment by my friend, Mr Kelkar, whose absence from this House we all deplore, to the effect that 37 lakhs be cut off from the amount required for the Lee Commission's recommendations, and Sir Charles Innes then, for reasons of which he was the best judge, thought it well not to discuss this question, he withdrew that

proposal to provide 37 lakhs in the Budget and therefore there was no discussion about it. I want, Sir, now to point out that he is introducing this very large question in a Demand for a Supplementary Grant. It was not discussed at the regular time, it was not discussed last year during the time of the Railway Budget, and therefore the Members of this House did not have an opportunity to enter into any of the details with respect to his demand for 37 lakhs. I do not know, Sir, how far it is fair to introduce in a Supplementary Grant an item which on principle is open to objection and about which on principle, it must be well known to the opposite side that this House has got very strong objections. It is not here a question of details only. It is both a question of detail and a question of general principle. I therefore object, Sir, in the first instance to the introduction of this very large item in what I may call a very surreptitious manner (*Cries of "Oh, oh"*) as part of a huge Supplementary Demand. Very well, Sir, I will say in rather not a straight manner (*An Honourable Member "That is worse"*) as part of something else. I think it would have been more fair that this item should be discussed during the more appropriate occasion when all other items come up, namely, during the time of the Railway Budget. However, it has come before us, and I am sure that we on our side shall not be lacking in giving the answer that the Demand calls for.

Sir, I was looking up the proceedings of the Standing Finance Committee for Railways to see if there at least any detailed explanation is given with regard to this item of 37 lakhs. The Honourable the Commerce Member just a little while ago congratulated himself (and I dare say he had very good reason to congratulate himself), on the fact that he was able to cast the apple of discord among ourselves (*Cries of "No, no"*), at any rate he felt glad that among the non-officials themselves there were some who were prepared to take his side as against those who were not so prepared.

The Honourable Sir Basil Blackett They were discussing things on their merits

Mr M. K. Acharya On this item at least, both on principle and on its merits I hope I shall also be able to congratulate myself that we on this side of the House shall give our answer with one united voice. I think I shall not waste more of the time of the House. I believe it is a duty we owe to ourselves—I shall be glad if the opposite side does not press it—it is a duty we owe to ourselves, having expressed our ideas about the Lee Commission recommendations in general, having raised this question last year and having induced the Commerce Member to withdraw it last year, I believe it is a duty that we owe to ourselves that every non-official Member here should see that this item is again rejected. I again wish to point out here that no explanation is given as to how this 37 lakhs is arrived at, not that I regret it even if it had all been given there it would not have made the slightest difference to me, it would not have swayed my judgment on the question in the least fashion if all the details had been there as to how this figure had been arrived at, I would perhaps have not even cared to read it, the whole matter in my eyes would not be worth reading at all. Therefore it does not matter to me. But with regard to those others who are supposed to be much more reasonable who will go into the merits of the question and for whose sake perhaps all these details are supplied—I was looking as I said into the

proceedings of the Standing Finance Committee and I found nothing there except this, that 37 lakhs are required in connection with the recommendations of the Lee Commission. We read "Rs 68 lakhs made up of the following

37 lakhs are required to meet the extra expenditure for the extension of the Lee Commission concessions to the officers of the Great Indian Peninsula Railway and Company-worked Railways from the 1st April, 1924", and we find the laconic statement at the end that "the Committee considered that the portion of the Demand relating to the Lee Commission should be dealt with separately in the Assembly."

I am glad, therefore, I shall not have the thundering eloquence of any members of the Standing Finance Committee rising up against me, at least on this item. I trust they will support me. I hope they have already objected to this item in the meetings of the Finance Committee and I hope they will one and all support me and that they will come up and join the force of their arguments also to what I am now moving, namely, that this item be reduced by 37 lakhs—the amount required for the concessions suggested by the Lee Commission. As I said we do not know what these concessions are, they may be right or they may be wrong, they may be very liberal or they may not be very liberal, they may or may not be just the barest that may be required, but whatever that is, I believe that we shall be doing the right thing by refusing to consider this thing. It is a matter on which this House has already made up its mind, and applying the general principle to which we have committed ourselves I believe that it needs no argument to say that this should be rejected. I therefore move, Sir, that this 37 lakhs be reduced from this amount.

Mr R K Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot Non-Muhammadian Rural) Sir, I only want some information from my Honourable friend the Commerce Member. I see that in the Demand for 68 lakhs, 37 lakhs represents the cost of extending the Lee Commission concessions to certain railway officials. What I would like to know from him is this: whether this sum of 37 lakhs represents the entire cost to the railway administration of the effect of extending the Lee Commission concessions or whether under the non-voted items there is any further amount which would be represented by the extension of these concessions.

Mr Jamnadas M Mehta Sir, I am not going to disappoint my friend Mr Acharya. I am whole heartedly at one with him in rejecting this Demand. Sir, I think it is somewhat unfair that this proposition should be brought as a supplementary grant, before the policy underlying it has been debated in the first instance. You have ruled, Sir, that this is not the occasion to discuss questions of policy, but in this particular instance the question of policy was never discussed in the Assembly, and therefore I say it is somewhat unfair that this matter should be brought up at this stage before the discussion on the merits of the policy has taken place on the floor of this House. Therefore, Sir, while bowing to your ruling, I submit that on this occasion in this matter at least, the policy also is subject to review of the House.

Then, Sir, without going at length into the Report of the Loot Commission—it was nothing less than a Loot Commission—I say that the acceptance of the recommendations of that Commission reveals our rulers in a light which is not very flattering to them—they have the possession of

the money and they pay themselves as they like, at the rates they like, and in any manner they like, is many as 19 different concessions have been given by this Loot Commission. I had calculated this on a previous occasion, and I found that, small and big put together, in all there are 19 different concessions, every one of them costing money to the people of India. And furthermore this was done at a time when the prices of things were going down, only a few years after the increments of 1919 when top prices were ruling.

Mr President The Chair cannot allow the Honourable Member to go into all the recommendations of the Lee Commission. He must restrict himself to the particular recommendations with which the House is concerned.

Mr Jamnadas M Mehta Sir, this involves all the recommendations of the Lee Commission.

Mr President The Honourable Member must confine himself to such of the Lee Commission's recommendations as apply to the railway officials concerned.

Mr Jamnadas M Mehta May I submit, Sir, that even this restricted Demand about the increase in the salaries of company railway officials includes almost every one of the Lee Commission's recommendations and this question of extending the concessions to the officers of company worked railways was never discussed on the floor of the House. I am not going one inch outside those recommendations.

Mr President Will the Honourable Member proceed further?

Mr Jamnadas M Mehta Yes, Sir, I am doing so. I once more protest that this Demand should have been brought on the occasion of Supplementary Demands for Grants, our objection to the Lee Commission concessions remains absolutely unaltered. Sir, after the separation of the Railway Finances from the General Finances, the Railway Board itself should have resisted this particular encroachment on the public purse. Sir, what is the object of the separation of the Railway Finances from the General Finances? It is to work the railways on a commercial basis, but what is the charm in the word "commercial", if you do not follow commercial methods? The whole argument for the separation of the Railway Finances was that we were going to treat the Railway Department as a commercial department, we were going to commercialise the Railways, and to follow business methods in the working of the Railways. Now Sir, the particular Demand is the clearest indication that that is not being done. This may be all right in a State Service. But in a commercial service a concession granted to all and sundry without reference to the merits, without showing results, is utterly out of place. Sir, I will quote a little from a speech I made when the question of the separation of Railway Finance was under consideration. I then warned the Government that the railway service was not like other Government departments. I said "The railway service was organized as a public service and under the present proposals of the Government it will continue as a public service and not as a commercial service. We should insist on results being shown by your services, and if they cannot you either dismiss or remove or degrade them." That ought to be the method pursued in the railway administration, but what do we find? We find that the Lee Commission

proposals are to apply to all railway officials who were appointed under certain conditions, without reference to the work they have done, without regard to the results they have shown. Take only one railway the Assam-Bengal Railway. This Railway, I suppose, will come under the benefit of these 37 lakhs of rupees. Well, Sir, this Railway was opened in 1895. It is now 30 years since that Railway began to work and during these 30 years this Railway has been subsidised by the tax-payer to the extent of 10 crores of rupees. It is working at a loss every year to the tune of 30, 40, 10 or 20 lakhs. There is not a single year during which this Railway has shown anything but loss ever since its inception, and the total amount of loss up to date is 10 crores of rupees, and still the officials, belonging to the State Railways and the Company-worked State Railways will get these concessions. They will get higher pay and passage money, they will get medical attendance, they will get anything and everything which was permissible for the Lee Commission to grant. This is utterly unbusinesslike and therefore Sir, I want the Members of the Railway Board, including the Railway Member, to disown these concessions so far as these railway officers are concerned. Just as I helped my Honourable friend Sir Charles Innes and my Honourable friend, Mr. Sim only a short while ago. It is then bounden and sacred duty now to help us, to vote with us and to denounce this grant because it is not in the interests of railway efficiency. You cannot breathe hot and cold in the same breath in relation to the same administration. This is pre-eminently unbusinesslike. It is not warranted by the condition of the Company-worked Railways. The Bengal Nigoun Railway might be put in the class which is not altogether paying. Other railways might be mentioned, but I mention the case of the Assam Bengal Railway only, you can verify it from the books that this Railway has put us to a loss of 10 crores. It has been consistently working at a loss and still we are to pay to these officers all these huge concessions. Surely this is not a kind of thing which this House can accept and it is not commercialization of railways to which this House has agreed. I say, Sir your separation of Railway Finance will be a farce if in the railway administration you introduce these methods of paying a man according to the number of years of his service without regard to the results of the work which he has been putting in. It is not only unbusinesslike it is wrong it is unjust, it is practically robbing the public of so much money in the interests of the incompetent officers. They do not deserve these concessions, and if at all they deserve anything, it is rebuke. Here you are placing a premium on incompetence by giving these huge concessions to people who have put us to a loss of 10 crores. That is not the right way to proceed in the case of a commercial enterprise like the Railways. When I urged during the debate on the separation of Railway Finance that the Railways should not be treated as a Government service my friend Sir Clement Hindley, who was that day in charge of the Resolution was kind enough to speak with the greatest admiration of my speech and he said that I had the clearest vision of this question. (Laughter.) Sir, if that was so, you must now come to my help. If I had the clearest vision then I have it now still, and you must agree with me that these 37 lakhs cannot be granted. And I remember that when the motion of my friend Mr. Acharva about the railway employees was under discussion my Honourable friend Mr. Sim also referred approvingly to my observations about the railway service against increase of salaries without results being shown. While however

it was a question of increasing the poor man's salary at that time, my remarks were very relevant and agreeable. Therefore now, Sir, in all fairness and honesty, I ask you to disown this grant and not to have anything to do with it. Now, Sir, in order to give effect to the recommendations of the Loot Commission the Secretary of State makes rules and regulations, and the use of this rule making power opens up a vista of further jobbery, the definitions and interpretations are wonderful and surreptitiously increase the cost of these costly concessions. In one place the definition of a child is if a male, any person up to 21 years of age, and if a female, up to any age if unmarried. So these concessions and passages to these railway officers will apply according to these various ridiculous definitions. In another place a child has been defined to include also a step-child. Now there is no limit to the number of step children a man might have (Laughter), and it is preposterous that these railway officers should include in their demand for passage money their step children. The number of step children an officer might have will depend upon the number of times the officer has married widows and the number of times the said widows have in their turn married. In an extreme case it is possible that a man will have more step children than his own children. What would be the result on the public purse? And still this is the wonderful definition of children given for these various concessions. I remember one gentleman remarking that you can also define a wife as a lady whom one is going to marry, if the lady is betrothed to you. That definition would be permissible on the analogy of the very valuable definitions I have referred to. In such a case a man simply because he is engaged to marry that lady is going to get passage money for her, and if he perchance changes his view and on going to England marries another lady, then that other lady will get the benefit of the return passages. These are the absurdities to which these rules and regulations reduce themselves apart from the grossly objectionable character of the proposals on the ground of public policy. They are objectionable on the ground of commercialization. They are objectionable politically and they are rendered more ridiculous and objectionable by the definitions and interpretations which the Secretary of State for India goes on making day after day under the powers conferred upon him, adding burden upon burden on the public purse of India. On these grounds I am perfectly certain that the House will throw out and I am sure at any rate that my Honourable friends Sir Charles Innes and Mr. Sym and all the European officers will join with us in throwing out this Demand.

The Honourable Sir Charles Innes Sir, when I moved this Demand, I said that I admitted that the House would be consistent if it rejected this Supplementary Demand, but I hoped that the House would take a more generous view. I have been told that this motion or mine is unfair, surreptitious, not straight. I may say, Sir, that I cannot understand those charges. When this matter was discussed in connection with the Budget last year, and when the Demand was cut out with the Government assent I said quite distinctly in the House that we would go into the matter further and that if necessary we would put a Supplementary Demand up before the House. That is what I have done, and I am not aware, Sir, that either under the ruling given this morning or under any other rule, there is any reason why this House should not discuss in all its aspects this proposal to extend the Lee Commission concessions to officers of Company Railways and of the East Indian and

the Great Indian Peninsula Railways. I cannot therefore, Sir, see that there is anything wrong, improper, surreptitious or unfair in the action I have taken. On the contrary I claim that I have taken a perfectly straightforward action. We have not paid, we have not extended, these Lee Commission concessions to Company officers at present. We have not done it and come to you to ask you to regularise our action. On the contrary we have deferred taking any action at all until this House had an opportunity of discussing the matter and I am afraid that the delay has caused great disappointment to the officers concerned. I am sorry for that, but still we were quite satisfied ourselves that we must give the House an opportunity of discussing the matter before we did anything. We have done that, Sir, and the reward we get is being called by these names. Mr Shanmukham Chetty then asked what the Demand represented. The Demand represents the cost of extending these concessions to officers of the rank corresponding to the State Railway Engineering Service and the superior revenue establishment on State Railways, corresponding to officers on the East Indian, Great Indian Peninsula and Company-worked Railways from the 1st of April 1924 to the date from which these concessions were extended to officers of the State Railways.

Mr R. K. Shanmukham Chetty. Are there any officers in the railway administrations whose salaries are non-voted and who would also be benefited by the extension of the Lee Concessions?

The Honourable Sir Charles Innes. We have extended them already to officers of the superior revenue establishment in State Railways and State Railway engineering establishments. We have done that already and that is the very reason, one of the main reasons, why I propose to extend the concession to officers of Company Railways.

Mr A. Rangaswami Iyengar. What is the total amount involved in the increases already given under the non-voted head?

The Honourable Sir Charles Innes. That I do not know.

Mr A. Rangaswami Iyengar. Will it be as much as this, or more or less?

The Honourable Sir Charles Innes. Less.

There is only one other speech that I need refer to and that is the very interesting one made by Mr Jamnadas Mehta. He said that in making this proposal we were going against the whole spirit of the convention. The object of that convention was the commercialisation of not only Company Railways but all our Railways and that it would not be in accordance with commercial practice to extend these concessions to the officers in question. I sympathise a great deal with what Mr Mehta has said. It would suit us and the Railway Board very much if we could allow the Agent of each Railway to take on such staff as he thought he required and pay each of those officers exactly such sums of money as he thought each officer was worth. That I imagine is what Mr Jamnadas Mehta means by talking of treating our Railways on a purely commercial basis. But, Sir, in the first place I would ask Mr. Jamnadas Mehta and the rest of this House whether the House for the moment would agree to such a system. Would they agree to Agents being allowed to take on exactly what staff they liked and to pay that staff exactly what they think they are worth? (*General Hootings*)

Members "No" *Mr Jamnadas M Mehta* "Under the control of this House") One thing that is absolutely clear is that the House would never divest itself of control to that extent. The other point you have got to remember is that we have inherited a legacy from the past. It always has been the custom to pay our railway officers in accordance with certain scales of pay. That system was adopted because when you want to attract officers to your service you must be able to tell them approximately what their prospects are. We have always had definite scales of pay in our State Railway engineering establishment and also in the superior revenue establishments and we have made it a practice to enforce approximately the same scales on Company Railways. These officers are paid in accordance with certain scales. *Mr Jamnadas Mehta* then said whether you pay them at particular scales or not, it is not good business to give these additional concessions to officers on Company Railways. I disagree absolutely and entirely. My experience—and it has been a pretty long experience in India now—is that it never pays to have a set of discontented officers. *Mr Jamnadas Mehta* took the Assam Bengal Railway as a case in point. He said that it was a Railway which had always cost us money and he asked whether this was the time to give these officers any more benefit. But I wish to point out to *Mr Jamnadas Mehta* that owing to the labours of the very officers whom I have in mind the return on the Assam Bengal Railway in the last two years has increased from 1 to 3 per cent and that every year we are bringing the loss down. What does the House propose to do? As I have explained, these officers have always been paid on the same scale as State Railway officials. Rightly or wrongly we took a different view from the House in regard to these Lee Commission concessions. I do not wish to argue the matter over again. You may think that we were wrong. But at any rate we were satisfied, after considering the matter as carefully as we could, that that was the course of action we had to take. We did extend these concessions to State Railway officials and I say—and I say with all earnestness—having done that, we cannot fairly withhold it from the officers of the Great Indian Peninsula, East Indian and Company Railways, and that is the only proposition that I am putting before the House.

(*Mr President* then rose to put the question.)

The Honourable Sir Basil Blackett May I answer a question, Sir, that was put as regards cost? A question was asked as to what is the total cost of the extension of the Lee Concessions to all Railways. The answer is that the cost is Rs 5 lakhs a year, already given, and a further Rs 20 lakhs a year is involved in this additional proposal now. The figure of Rs 37 lakhs is for 23 months. The total cost of the extension of the concession to State and Company Railways is Rs 25 lakhs a year.

Mr B Das May I ask the Honourable the Commerce Member a question? Why does he want to give these concessions from 1924 and not from the date on which these two Railways were taken over by Government?

The Honourable Sir Basil Blackett May I just say a word on that? It is germane to the question which the House is going to decide. I put it to the House that they have not got to decide whether the Lee Concessions were good things. We know their view is that they were not. The question before the House is this. These concessions were

extended to officers of State Railways as from the 1st of April, 1924. It had always been the practice to treat the salaries of officers of the Company Railways on the analogy at any rate of the State Railways. It was impossible to extend the concession to the Company Railways at the outset, because the Government took the view that they could not be extended to Company Railways until we had some assurance from the Company Railways that they accepted the other half of the bargain, namely, Indianisation. That having been accepted, the position is that you must in fairness to the officers of the Company Railways give them the same concessions as from the same date, namely, the 1st of April 1924 as you had given, if I may put it, automatically, under the Lee Concessions. I put it to the House that the decision that they have to take to-day is not whether or not these concessions are good things, but whether or not it is fair, having given

Mr President The Chair cannot allow the Honourable Member to make a speech at this stage. The Member in charge has already replied. The Chair thought that the Honourable Member was answering a question put to him and therefore he was allowed to speak. He cannot be allowed to make a speech at this stage.

The Honourable Sh. Basil Blackett I have no wish to make a speech. I was merely trying to clear the issue. I bow to your ruling. I merely wish to put to the House that the question before the House is whether or not these concessions, having been extended to the State Railways, should or should not be extended to the Company Railways.

Mr President The original question was

"That a supplementary sum not exceeding Rs. 68,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of 'Working Expenses—Administration'."

Since which the following amendment has been moved

"That the Demand under the head 'Working Expenses—Administration' be reduced by Rs. 37,00,000."

The question I have to put is that that amendment be made.

The motion was adopted by 50 votes against 49.

Thursday, 18th February, 1926

RAILWAY BUDGET FOR 1926-27

INTRODUCTORY

The Honourable Sir Charles Innes (Member for Commerce and Railways) In placing the Railway Budget for 1926-27 before the House, I have very few preliminary remarks to make, but I think, I can claim that in one point at any rate the Budget I am presenting is an improvement on its predecessor. The preparation of the Budget last year followed close upon the convention agreed upon between the Assembly and the Government. We had first to work out at high pressure the changes in the procedure and the form of the Budget necessitated by the new arrangement and the discussion of the actual estimates with the Standing Finance Committee.

for Railways perforce had to be rather hurried. This year we have been able to do better. The proceedings of the Standing Finance Committee for Railways have already been circulated to Honourable Members, and I have no doubt that they have been studied with that sedulous industry which is so characteristic a feature of public men in India. Fourteen meetings of the Committee have already been held in 1925-26, and I note that Mr. Sim summoned these meetings in places so far apart as Calcutta, Bombay, Simla and Delhi. I note also that the Agents of three important railways were invited to attend meetings of the Committee held at their headquarters and by supplying further information and local details regarding particular projects materially assisted the Committee in arriving at their decisions. The proceedings of these meetings fill 7 volumes and cover 470 pages of print, and I know that I shall have the whole House with me when I say how grateful we are to Mr. Sim and to the members of the Standing Finance Committee for their labours and for their public spirited devotion to duty. Actual budget work began in earnest in November last. In November and December the Committee examined the Capital programme of each Railway. In January the Budget and a preliminary draft of the Budget Memorandum were placed before them and were subjected to close scrutiny for 3 days. We have made it our aim to take the Standing Finance Committee into our fullest confidence, and it gives me great pleasure to acknowledge that in return we have received great assistance in the framing of our Budget. And the result is that the Budget I am presenting to-day has passed through the scrutiny of a Committee composed almost entirely of non-official Members of the House. Each demand, indeed, has received the approval of that Committee, and I am optimistic enough to believe that this fact will facilitate the passage of the Budget through the House. Criticism of course, we shall get. But in meeting that criticism I confidently expect to receive doughty assistance in debate from the members of the Standing Finance Committee for Railways. Hitherto, the defence of the Railway Budget has fallen almost entirely on the shoulders of the few officials in this House who happen to be specially connected with Indian Railways. But from now onwards I hope that Honourable Members who attack the Budget, at any rate on the financial side will find themselves up against other Honourable Members, on the same benches as themselves who in the Standing Finance Committee for Railways have assisted to frame the Budget. I go further still. I think I may legitimately look forward to the time when the actual estimates, as in England, will ordinarily be accepted as a matter of course by the House, and when the voting of the demands will be regarded mainly as an opportunity of raising discussions on questions of policy and matters of general interest. The House has its guarantee of economy in the fact that we have to pay not only our interest charges but a contribution in addition, and that anything we can make in excess of our charges goes to our own reserves.

2 Before I proceed further, I wish to repeat the appeal I made last year. Last year Honourable Members when they gave notice of reductions added a few words to indicate what subject they wished to discuss. The procedure was of great assistance to us, and I hope that it will again be adopted this year.

3 I propose without further ado to come to figures, and I shall arrange my speech much on the same lines as last year. That is to say, I propose rapidly to review the revenue estimates both of the current year and

of the year 1926-27 I shall not go into detail. Full explanations of the figures are given both in the Budget Memorandum and in the footnotes to the Demands for Grants and next week the House will have ample opportunities for asking for further information on particular points. My purpose in this speech is to give the House a general idea of the financial results of our Railway property. I will also deal briefly with our Capital programme, and finally I shall have some remarks to make of a more general nature.

Financial Results of 1924-25

4 I wish to begin my review by saying just a few words about the revenue results of 1924-25. The House is already aware that it was a very prosperous year for Indian Railways. When I made my Budget speech last year, we expected to gain from commercial lines 11.25 crores. We did, however, even better than we expected, mainly owing to phenomenally good earnings in February and March, and, in the event, the actual gain from commercial lines turned out to be 14½ crores, representing a return on the capital at charge of State lines of 5.85 per cent. This improvement in receipts affected our payments to General Revenues under the convention, and also, of course, the amount available for transfer to Railway Reserves. Honourable Members are familiar with the convention, and I will not go into details. We anticipated last year that our contribution to General Revenues for 1924-25 would be 685 lakhs gross or 564 lakhs net (that is, after deducting the loss on strategic lines). But actually our contribution was 799 lakhs gross and 678 lakhs net. Similarly, instead of placing to Railway Reserves 410 lakhs as we expected we transferred to Reserves a sum of 638 lakhs.

Revised Estimate for 1925-26

5 Those I think are very pleasing figures, and I am sorry that our revised estimate of the current year does not make quite as satisfactory a showing. The House will remember that on commercial lines we budgetted for gross receipts amounting to 101.34 crores and for expenses amounting to 90.54 crores. That is to say, we budgetted for a net gain from commercial lines of 10.80 crores. The Revised estimate of our net gain is 10.45 crores, or only 35 lakhs less than the budget figure, but the other figures have undergone considerable change. We now expect our gross receipts from commercial lines to be 99.81 crores, a decrease of 153 lakhs compared with the budget figure, and our working expenses and interest charges to be 89.36 crores or 118 lakhs less than we provided in the budget.

Comments on the Revised Estimate

6 The House will no doubt want to know briefly why our gross receipts are 153 lakhs less than we anticipated. I must first explain, however, that the figure of 153 lakhs is a net figure. We expect a gain of 26 lakhs under the heads of interest on our balances and the Government share of profits from subsidised Companies, and our estimate of gross traffic receipts is really down by as much as 179 lakhs compared with the Budget. But this figure of 179 lakhs is again a net figure. In coaching traffic we have done better than we expected, and the drop in earnings has been entirely on goods traffic. Indeed, the Budget Memorandum shows that we expect our earnings from goods traffic to

be down by nearly $2\frac{1}{2}$ crores. I do not know whether the House expects from me any explanation why this is so. The only general explanation I can give is the truism that, in the words of the Acworth Committee, "Railway earnings vary abruptly from time to time in accordance with harvest results and trade fluctuations."

That is such a commonplace that it is hardly worth saying, but I think that it would interest the House if I take two concrete instances and show, in terms of actual loadings, exactly what a bad harvest or depression in any particular trade means to a Railway. When I made my budget speech last year, we had high hopes of a really good wheat crop. In 1923-24 the wheat crop had yielded $9\frac{1}{2}$ million tons. At the end of January 1925, it was reported that the area planted with wheat exceeded the area planted at the same time in 1924 by 1,400,000 acres, and we hoped for a very big crop. But unfavourable weather conditions set in and in the event the final forecast showed a crop nearly a million tons less than in the preceding year. In other words, these unfavourable weather conditions wiped out almost the whole of our exportable surplus. In the 9 months ending December last, exports of wheat from Karachi were only 154,000 tons. In the 9 months ending December 1924, they were 737,000 tons, exports of barley similarly fell away. The North Western Railway is the great wheat railway of India, and the disappointing character of the wheat harvest is reflected in our Railway returns. Between the 1st April 1925 and the 23rd January last, we loaded on the North Western Railway 87,789 wagons with grain and pulse, or approximately 66,000 wagons less than we loaded in the corresponding period of last year. It is not surprising therefore that we expect goods earnings on the North Western Railway to be down by 134 lakhs compared with the budget estimate. Let me give another instance taken from another Railway, the East Indian. This Railway, of course, is the coal railway of India. This year has been a year of depression in the coal industry, and we see the effects in our statistics of loadings. Taking the same period for the purpose of comparison, namely, 1st April to 23rd January, I find that this year we loaded 476,000 wagons with coal on the East Indian Railway against 526,000 wagons last year. In view of these figures relating to two of our greatest trades, I think that we may count ourselves fortunate in that our revised estimate of goods earnings has not had to be placed at a much lower figure.

7 I have said that we expect our gross expenditure to be less by 118 lakhs than the budget figure. It is made up partly of working expenses, partly of miscellaneous expenditure and partly of interest charges. The decrease in interest charges is counterbalanced by an equivalent increase in miscellaneous expenditure, leaving the net reduction of 118 lakhs entirely under working expenses. The reduction is mainly due to the facts that for reasons fully explained in the proceedings of the Standing Finance Committee we have been unable to utilise the provision made for automatic couplers and that we expect to spend only 25 lakhs of the special provision of 50 lakhs made for repairs to rolling stock. On the other side of the account there is the special provision of Rs. 37 lakhs for the extension of the Lee Commission benefits to officers of the East Indian Railway, the Great Indian Peninsula and the Company Railways. The supplementary demand for this sum was rejected by the House a few days ago by 1 vote. It is now my duty to announce that the Governor General in Council has restored the demand under the provisions of Section 67A of the Government of India Act.

Contribution for 1925-26

6 The net result is that we expect to have a surplus of 10.15 crores. Under the convention, our contribution this year, like our contribution last year, is based on the actuals of the year 1923-24. One per cent on the capital at charge in the year 1923-24 plus 1/5th of the surplus profits of that year represents like last year a sum of 630 lakhs. From this sum, however, has to be deducted the loss on the working of strategic lines in 1923-24, namely, 121 lakhs, and the net contribution is 509 lakhs. Now as I have just said, our revised estimate of our gain from commercial lines is 10.15 crores. The loss this year on strategic lines is 168 lakhs. The amount for disposal therefore is 877 lakhs. From this amount we deduct the contribution of 509 lakhs, and there is a balance of 368 lakhs. The excess over 3 crores is 68 lakhs, and under the convention 1/3 of this goes to General Revenues. The final result therefore is that we expect to transfer to our Reserves 3.45 lakhs and to make a contribution to General Revenues of 532 lakhs. But I would beg the House to observe that this figure is a net figure. The general taxpayer is really taking from commercial lines 653 lakhs. Our net contribution of 532 lakhs is only 16 lakhs less than the amount Sir Basil Blackett budgeted for, and I would here pause to point out one advantage which we derive from the stabilisation of our contribution to General Revenues. When last November, Sir Basil Blackett was considering what effect the loss of the Cotton Excise revenue would have on our finances not only this year but also next year, he knew within a few lakhs exactly what he would receive in either year from the Railways and I think that he will bear me out when I say that our announcement on December 1st last was very greatly facilitated by the stabilisation of the contribution to General Revenues resulting from the convention in regard to the separation of Railway Finance from General Finance.

Budget Estimate for 1926-27

9 I pass on to the Budget estimate for 1926-27. The figures in brief are that we are budgeting on commercial lines for gross receipts amounting to 102.58 crores and gross expenditure, including interest charges, of 92.13 crores. If these figures are realised, the gain from commercial lines will be 10.45 crores, and the net gain, that is the gain after deducting the anticipated loss on strategic lines will be 871 lakhs. In 1926-27 our contribution will be based on the financial results of the year 1924-25, and I have just told the House what a prosperous year that was for Railways. General Revenues indeed will take out of us a gross contribution of 760 lakhs. The net contribution payable will be 601 lakhs, and the balance of the 871 lakhs which we expect to have for disposal, namely, 270 lakhs, will be transferred to Railway Reserves.

10 In making these estimates, we have allowed for certain reductions in freights and fares which we have made or wish to make and to which I will refer later. I hope that the bread we are casting upon the waters will return unto us after many days in the shape of increased traffic, but the immediate effect must be detrimental to our earnings and we are allowing for a falling off of about 2 crores as a direct result of the reductions. For the rest, we have assumed that the season will be a normal one and that there will be a normal development of traffic on our existing lines. Also we have taken into account the fact that we have opened 264 miles

of new lines in the current year, that we expect to add another 240 miles in the coming year and that we shall acquire the Delhi-Umballa-Kalka Railway. We have taken all these factors into consideration and have felt justified in estimating that our gross traffic receipts from commercial lines will be 101.35 crores or $2\frac{1}{2}$ crores more than the revised estimate of the current year. Our estimate of gross expenditure from revenue, namely, 92.13 crores is 277 lakhs more than the revised estimate of the current year. Part of the increase is due to an increase of 130 lakhs in our interest charges. As regards working expenses proper, we place them at 65.19 crores or 132 lakhs more than the revised estimate of this year. 40 lakhs of the increase is due to larger appropriations to our Depreciation Fund. For the rest the increase is due mainly to the fact that we have increased our provision for repairs to rolling stock by 35 lakhs and to larger provision for operating expenses other than fuel, this larger provision being necessitated by the fact that we expect to handle a larger volume of traffic. On the other hand, in the circumstances set out in the Budget Memorandum, we hope again to effect a considerable saving in our fuel bill.

Capital Budget of 1925-26

11 I propose now to say a few words about our Capital Budget. The approved programme for the current year provided for a capital expenditure of 32.07 crores. Past experience had told us that Railway Administrations would not be able to spend the full grant, but our policy is not in any way to restrict the execution of sanctioned works. Clearly once a work is sanctioned it is desirable that it should be carried to completion as expeditiously as possible. Accordingly we allowed Railway Administrations the full grants asked for for approved works and made a lump sum deduction in their demands for the probable savings we anticipated in their expenditure. The reduction we provided for was 9.17 crores, so that the net grant was fixed at 22.90 crores. We estimate that the actual capital expenditure will be 19½ crores and that there will be a lapse of 3.40 crores. This lapse compares favourably with the lapse of nearly 18 crores in 1923-24 and nearly 17 crores in 1924-25. We have made changes in the system of preparing estimates, in the arrangements for the execution of works and in the procedure relating to the preparation and certification of indents. These changes have already borne fruit, but I frankly admit that there is still room for improvement, and we have reason to hope that in the future actual capital expenditure will approximate more closely to our budget estimates. In this connection, I take the opportunity of announcing that quite recently the Secretary of State largely increased our powers of sanction. He has done so for the reasons I have mentioned earlier in my speech, namely, that the obligation laid upon us by the Assembly to pay not only our interest charges but also a contribution to General Revenues is in itself a guarantee for economy which justifies a relaxation of his control. Many projects which formerly required a reference to him are now within our own powers of sanction and a considerable saving of time should be the result.

Capital Budget of 1926-27

12 For next year Railway Administrations have proposed an expenditure on approved works of 34.58 crores on capital account. We intend to authorise Agents to spend up to this amount, but we do not think that

actual expenditure will exceed 22 crores. This figure is made up of 15 44 crores for open line works and 6 56 crores for new construction. The actual figure we have included in the estimates, however, is 26 crores, 4 crores having been provided for the purchase of the Delhi-Umballa-Kalka Railway.

Open Line Works

13 Full details of open line works are given in the Budget Memorandum and in the budget books of individual railways and I have time now only to direct the attention of the House to a few of the more important items. The general object of this expenditure is to make Indian Railways better equipped to handle, remuneratively and efficiently, not only existing traffic but also that natural expansion of traffic which we confidently expect. Possibly the most striking item in the programme is the electrification of the railways in and near Bombay. We have already opened the electrified Harbour Branch of the Great Indian Peninsula Railway and the remainder of the scheme for the electrification of the Great Indian Peninsula and Bombay, Baroda and Central India suburban lines is steadily being pushed forward to completion. Preliminary work has also been begun for the more ambitious scheme, which we also hope will be very remunerative for electrifying the Great Indian Peninsula main lines from Kalyan to Poona and Kalyan to Igatpur. Again we are laying heavier rails and strengthening bridges on sections where the existing standard is below that required for modern developments. Other sections are being doubled or quadrupled. I may mention, for instance, that we are providing 30 lakhs for the doubling of the Grand Chord from Gaya to Moghalsarai, and 44 lakhs for quadrupling the Bandra-Borivli and Bandra Grant Road sections of the Bombay, Baroda and Central India Railway. We have important schemes in hand for the remodelling of station yards, one of the most important being that for the remodelling of the Victoria Terminus at Bombay at a cost of 88 lakhs. There is an almost equally heavy programme of workshop remodelling calculated, we hope, considerably to accelerate repairs to locomotives and rolling stock. And finally, among the additions to rolling stock which we contemplate are included, in terms of 4-wheelers, 2,707 goods wagons and 671 coaching vehicles. Of these latter, 547 are lower class carriages. Indeed, our general position is so much stronger that we have felt justified in providing for a gross expenditure of nearly 1½ crores in additions and betterments to lower class carriages. Apart from and in addition to this, we are spending some 31 lakhs on amenities which may be described as special for lower class passengers.

New Construction

14 For new construction, Railway Administrations have asked for 9 82 crores. About 6½ crores are required for lines the construction of which is already in progress and the balance will go to new lines. A complete list of all the lines will be found in Demand No 7, and I will merely say now that the programme comprises more than 60 different projects covering more than 2,500 miles of new construction. The policy we are working to is that we are willing and anxious to construct any new lines provided we are satisfied that they will be remunerative, and our practice now is to draw up the annual programme of new construction on the basis of the co-ordinated recommendations of Local Governments and Local Railway Administrations. We have also impressed on Railway Administrations their responsibilities for developing the areas within their respective spheres.

of influence by bringing to our notice promising schemes of railway development within those areas. The principal difficulty with which we are now confronted is that of spending the money—that is, of executing rapidly sanctioned projects. This is a matter of organisation, and I hope that it will not be long before we show considerable improvement in this respect. On some Railways where much new construction is in hand, we have adopted, with good results, the expedient of placing a special Chief Engineer directly in charge of all new construction, and we are also experimenting in the direction of more extended use of private contractors, particularly for bridge work.

Railway Reserves

15 I mentioned earlier in my speech that in 1924-25 we transferred 6.38 crores to the Railway Reserves. This year, if our estimates prove correct, we hope to transfer 8.45 crores, and our reserves should stand approximately at 10 crores of rupees. As the House knows, the convention lays down the objects for which these reserves are to be used. They are intended, *firstly*, to secure the payment of our annual contribution to General Revenues, *secondly*, to provide, if necessary, for arrears of depreciation, and, *thirdly*, to strengthen the financial position of railways in order that the services rendered to the public may be improved and rates reduced. Last year we decided not to take any action which would reduce the amount to be added to our reserves. This year we have felt justified in adopting a bolder policy. I do not mean to imply that we regard reserves amounting to 10 crores as anything to boast about. They represent indeed less than two per cent of the total capital at charge on commercial lines.

16 In a commercial concern like the railways where the receipts fluctuate widely with seasonal and trade conditions, while the major portion of expenditure does not vary with the receipts, reserves of this amount can only be regarded as insignificant and quite inadequate for any of the purposes for which the reserves are required—much less for all those purposes. It might be argued with considerable force that in the long run the wisest course would be to continue to build up the reserves at the present pace, or even faster, in order that our reserves might, as speedily as possible, be of sufficient magnitude to place the railways in an impregnable financial position. Moreover there is another purpose for which I think the House would also desire that substantial reserves should be built up. The House must remember that as long as we are required not merely to balance our budget, but also to pay a heavy contribution to General Revenues, we must perforce, for some time to come, confine our new construction mainly to remunerative lines, that is, to new lines which can reasonably be expected to be remunerative within 5 or 6 years. The result is that what I may call “development lines” must wait unless we can construct them by special arrangements with the Local Governments concerned. But adequate reserves would enable us to adopt a more forward policy in new construction and to undertake the construction of lines which, though they cannot be shown to be remunerative within a period of 5 or 6 years, may be expected to develop the country they pass through and ultimately to pay their way. While, therefore, I adhere to the opinion that we must continue building up our reserves, we have had recently to consider, from purely practical and business considerations, whether we have not now reached a position where we can safely afford to reduce the pace at

which our reserves are being built up. We have been considering in consultation with railway administrations and in accordance with the promise which I made last year to this House, also in consultation with the Railway Finance Committee, whether the general strengthening of the financial position of the railways in the last two years does not justify our making, at any rate, a beginning with reductions of rates and fares and improvement of services. As I explained last year, as a mere matter of business, railway administrations had even then been compelled to reduce first and second class fares. Statistics showed that on most railways we were losing not merely traffic but also revenue—a sure sign that the fares were higher than the traffic can bear. Some railways have been compelled already to come down still further in these fares. The position in regard to third class fares is somewhat different. I gave figures in my budget speech last year to show that taking Indian railways as a whole the last three years showed a steady increase both in the number of passengers carried and in earnings derived from the traffic. The figures of 1924-25 tell the same tale, and it might be argued that there is no very strong case for any reduction in third class fares. But the rate of increase is much slower than it used to be, and railway administrations are inclined to take the view that some reduction in lower class fares would so stimulate traffic as ultimately to pay the railway. In this view some railway administrations have already made a beginning with the reduction of lower class fares. The statistics are given on pages 39 and 40 of the Proceedings of the Standing Finance Committee for Railways, Volume II, No. 6. It will be seen that six railways have made, or are about to make, some reduction in their passenger fares and we estimate that the immediate cost of these reductions will amount to 111 lakhs, the cost of the reduction of lower class fares being put at 84 lakhs. Since the matter was discussed with the Standing Finance Committee, I have heard the Burma Railways also have decided to reduce 3rd class fares from 4 pies to 3½ pies for the first 300 miles and from 3½ pies to 3 pies for distances beyond 300 miles. Further, some reductions are also proposed in first and second class fares, and the total cost of these reductions will amount in the first year to 12 lakhs of rupees. I may say that these reductions, other than those of the Burma Railways, have been approved by the Standing Finance Committee for the Railways. The possibility of further reductions will be considered in consultation with the railway administrations and I may mention that we have, in framing our budget estimates for the coming year, allowed for the possibility of these further reductions. In considering these reductions in fares there is one point that I hope the House will bear in mind. We regard it as quite impossible for us to fix one flat rate of fare for each class of railway passenger and to impose that rate uniformly upon all railways. If we are to adopt the standard laid down by the Inchoape Committee and make it our aim that Indian railways should pay at least 5½ per cent upon the capital at charge, we must be in a position to transfer a similar obligation to each railway administration. It is only in that way that we can secure real economy and if we impose upon each railway administration the obligation to pay a definite rate of interest upon the capital sunk in its line, we must take into account the different cost of transportation in the different parts of the country and the financial position of each line. We take the view, that is, that each railway must be considered separately and that its particular circumstances must be taken into account in deciding what fares can properly be charged for the carriage of passengers. The reduction in fares which has already been agreed to will cost, as I have just explained

to the House, Rs. 123 lakhs in the coming year. But in framing our budget we have made an allowance for a loss of revenue amounting to Rs. 163 lakhs on account of the reduction in passenger fares. If therefore other Railways follow suit in the reduction of fares, or if the Railways which have already reduced their fare decide to make further reductions, we have made a provision of Rs. 10 lakhs to cover the immediate loss of revenue that will be involved.

17 In addition to the reduction of passenger fares, we propose also to reduce the long distance coal freight, that is, to reduce the freight on all coal carried more than 100 miles. Our actual proposal is that on distances exceeding 100 miles, the rates of freight for public coal should be reduced to the rate now in force for locomotive coal. This means on long distance traffic a reduction of freight amounting roughly to 10 per cent. It will cost us Rs. 37½ lakhs a year. I should like to give the House some concrete instances showing what this reduction will mean in actual freight rates from the Jharia coalfields to certain important industrial centres in India. I take Bombay first. Here we are not merely reducing the rates on public coal to the locomotive rate, but we are also lowering the ghat charge on the Great Indian Peninsula Railway. The effect is that whereas coal from the Jharia coalfields to Bombay now pays Rs. 15 6 0 per ton, it will from 1st April, when the new rates will be brought into force, pay Rs. 13 12 0 per ton—a reduction, that is, of Rs. 1 10 0 per ton. Coal to Cawnpore which now costs Rs. 8 1 0 per ton will in future pay Rs. 7 3 0 per ton. The charge from Jharia to Delhi goes down from Rs. 10 10 0 to Rs. 9 7 0. That from Jharia to Ahmedabad will go down from Rs. 11 6 0 to Rs. 13 1 0. These rates, I may mention, include terminals. As I have said, the reduction may be taken as equivalent to a reduction of 10 per cent on existing rates. I may mention that the Indian Railway Conference Association expressed itself as being opposed to reducing long distance coal freights. It took the view that a reduction of 10 per cent could not be expected to lead to any material increase in the amount of coal transported on Indian Railways. But we have looked at the matter from rather a different point of view. It may be that a reduction of Rs. 1 per ton is not sufficient immediately to stimulate traffic. But we cheapen production to that extent and I have no doubt that ultimately we shall get the benefit. We can now say with good reason that we are carrying long distance coal at the lowest commercially possible rate. At any rate the rates we are charging to the places I have mentioned are only about 20 per cent higher than the rates we charged as far back as 1905, and I doubt whether there is any other Railway system in the world that can say this.

18 It may be said that there is an element of risk in the course we are taking. I do not deny it. There is always a danger, I suppose, lest in prosperous years we dissipate revenue which in the bad years may be badly needed. But though the action we are taking may for a year or two diminish the amount of money we can add to our reserves, we believe that it will pay us in the long run and that ultimately we shall strengthen the financial position of our Railways. Before I leave the subject, I should like to say that we have not overlooked the point made by the Standing Finance Committee. If the reduction of fares stimulates traffic, we must be prepared to handle that traffic, and our programme for 1926-27 contemplates large additions to and renewals of lower class stock at an estimated cost of 1½ crores.

CONCLUSION

19 There are many other subjects mostly of an administrative or technical character on which I am tempted to dwell, but I am afraid of wearying the House and I will bring my speech to a close. But before I sit down, I should like, if the House will allow me, to indulge in a brief retrospect. This is the last Railway Budget that I shall defend in the Indian Legislature, and it is natural that I should look back over the five years during which I have been connected with Indian Railways. My first year 1921-22 was one of the most disastrous years in the history of the Railways. For the first time since 1908 they had failed to pay their interest charges, indeed, the net loss of the year amounted to the enormous sum of 9 crores of rupees. There was much to be said in excuse for the Railways. They had rendered magnificent service during the war. Shortage of tonnage had thrown on them an immense amount of traffic which formerly had gone by sea, and their resources had been strained to the uttermost. At the same time, material and rolling stock had been hard to obtain, and the railways had emerged from the war in a sorely battered dilapidated condition. No money had been laid aside to meet arrears of depreciation, or rather the sums which had been earmarked for the purpose had under stress of necessity been diverted to other objects. And though in the years immediately succeeding the war, the Government of India, in spite of the desperate condition of their own finances, endeavoured to make liberal provision for what was then known as programme revenue expenditure, yet under the system then prevailing the Railways could not make the best use of the moneys placed at their disposal. For the grants were annual grants. Balances unspent at the end of the financial year lapsed, and it was impossible for Railways to work to a well-thought out programme of rehabilitation, spread as such a programme must be spread over a period of years, for the amount of money which could be spared each year by the Government of India for programme revenue expenditure necessarily varied with the general financial position of the Government of India. We were told by the Acworth Committee that rehabilitation was the first task before us and that new construction could not be thought of, and I remember well what a hopeless task rehabilitation seemed in those days. I am happy to think that they have gone, never I hope to return, and I think that we may contrast the condition of our Railways now with their condition 4 years ago with legitimate satisfaction. The money we have spent on them is beginning to bear fruit. The coal trade is an obvious example. Every industrialist in India must remember the scramble for coal wagons at the end of the war and in the years immediately following and the constant anxiety lest he should have to close his works for lack of coal. Now we have been able entirely to abolish any form of control over wagon supplies, and however necessary that control may have been, I frankly admit that in itself it was an evil. Our Railways now can carry all the coal traffic that offers, indeed, they ask for more. And as with coal, so with our other staple trades. I do not claim that our Railways are perfect. Far from it. Much remains to be done. But I do believe that now they are better equipped to serve the commerce and industry of India than at any previous period of their history. Many factors have combined to bring about the improvement. Much work has been put in in improving the track, in strengthening bridges, in putting in more crossing stations and in re-modelling stations. Train control has been extended, our internal organi-

sation has been improved by the introduction of the divisional system, and better statistics enable the Agent to watch the working of almost every department of his Railway. Our rolling stock is more adequate and in better order. But the most important thing of all is that Railway Administrations are in better heart because they are working under a reasonable system of finance. The Depreciation Fund is a safeguard against the return of conditions which prevailed in 1921-22. Agents can now look ahead. They can work to an ordered plan, and they have a real incentive to economy. The improvement in our financial position is, indeed, most striking. It is just 3 years since we received the report of Lord Inchcape's Committee. They set before us the standard that we should aim at yielding a return of $5\frac{1}{2}$ per cent on our capital, and they calculated that if we did so, there would be a net gain to the State of roughly $8\frac{1}{2}$ crores from its Railway property. But this was the figure at which they thought we should aim. They did not regard it as a result which could immediately be realised. On the contrary, under the proposals they made for the postponement of expenditure and for retrenchment in the year 1923-24, they calculated that the Railways should make a net return of 1 crore of rupees to the State. The actual net gain we made in that year was nearly $6\frac{1}{2}$ crores. In 1924-25 our net gain, after eliminating certain adventitious gains due to refund of customs duty and after taking into account the loss on strategic lines amounted to 11.7 crores, while in the current year we estimate that it will amount to about 9 crores. It is true that since separation the revenue expenditure of the railways has been relieved of the sinking fund payments made towards the reduction of capital, which amounted to more than 2 crores. But against this has to be set the fact that the institution of the Depreciation Fund has resulted in an additional charge to revenue of over 3 crores. The results of these 3 years therefore are not only in excess of the immediate results which the Inchcape Committee wished to see, but have even exceeded the figure which they suggested should be ultimately aimed at by the Railways. We are now even in a position to consider a reduction in freights and fares which in the position in which they found the Railways the Retrenchment Committee could not have considered to be within the range of practical politics, and while the process of rehabilitation goes steadily on, we have also been able to embark on an extensive programme of new construction. We can contemplate these results, I repeat, with sober satisfaction. I say this the more readily because I am not so foolish as to claim the credit for myself. Human energy and human ability have indeed played their part, and since we all believe in rendering honour where honour is due, I shall have the whole House with me when I pay my tribute to Sir Clement Hindley, Mr. Sim, the Railway Board, Railway Agents and the Railway Staff generally. (Applause) But if there is one thing more than another to which our better prospects are due, it is the Convention of September 1924.

At one point in the debate it looked as if the cause was lost, but good will and good sense triumphed in the end, and thus the second Assembly of the Indian Legislature may congratulate itself on the fact that it will go down to history as the Assembly which at long last placed Railway Finance on a proper basis. (Applause) I sometimes think that we of the Railway Department get more than our fair share of hard knocks, and no doubt we shall get more next week. Nevertheless, we shall always remember this Assembly with gratitude, for it is this Assembly that has given us

the chance of managing the Railways as they should be managed. Differences of opinion there have been between us on questions of policy as well as on questions of detail. But whatever causes of complaint there may be against us, I hope that we may be given at least this much credit, namely, that we are animated by a single minded, even jealous, devotion to the interests of Indian Railways. Already they are a property of enormous value to the State. We wish to make that property more valuable still. For my part, I shall always look back with pride and pleasure on my connection with the Indian Railways and my hope is that they will expand and grow and become more and more an efficient instrument of trade. For, believe me, Sir, the prosperity of India is in no small degree bound up with the prosperity of her Railways. (Prolonged and loud Applause)

Monday, 22nd February, 1926

GENERAL DISCUSSION OF THE RAILWAY BUDGET

Railway Board to control the gross receipts, they depend upon the monsoons and upon the fluctuations of trade. But as regards working expenses, it is possible for us to have effective control over that. The gross earnings show only an increase of 10 crores from 1922-23 to 1926-27. They stood at 93 48 in 1922-23 and for 1926-27 we are budgetting for gross earnings of 103 43. So there is an addition of 10 crores. But let us examine the working expenses during the period. In 1922-23 working expenses amounted to 65 96 crores

In 1923-24	61 06
„ 1924-25	62 90
„ 1925-26	65 92
„ 1926-27	67 30

These working expenses, as we are aware, are composed of administration charges, repairs and maintenance and operative expenses. As regards administration charges and programme revenue that is a matter which we ought to take into account. I am sorry to note that, while it stood at 7 97 crores in 1922-23, it has now mounted up to 13 10 crores. That is an increase of over 5 crores, while our gross revenues have increased only by 10 crores. Under the head of administration alone there is an increase between 1922-23 and 1926-27 of over 5 crores. That is a matter which requires serious and earnest attention on the part of the Railway Board and of the Railway Department. We are aware, Sir, that in 1919-20 there was a generous revision of pay and allowances and therefore all expenses which were due to that revision had come into existence before 1922-23. Between 1922-23 and 1926-27 why there has been this great increase of over 5 crores in administration charges is a matter on which I hope there will be some explanation forthcoming. Sir, coming to operative expenses, there is a satisfactory decline. It stood at 35 97 in 1922-23. To day we are budgetting for 27 72 crores for the year 1926-27. That shows there is a decline which we may have to examine. And as regards repairs and maintenance, while the figure stood at 25 74, it now stands at 29 50. I am not satisfied with the increase shown under the head maintenance. I will come back to that, but so far as these operative expenses are concerned the decline shown in the figures is a satisfactory feature in this Budget, whereas I am not at all satisfied with the growth of expenditure under the head of administration. But even under the head of operative expenses there are various matters which we have to remember in connection with the fall of expenditure. Prices of articles have fallen very much since 1923, and that probably accounts for the great fall in the operative expenses. As regards repairs and maintenance, the progress kept up by the Railways is not at all satisfactory. That is a matter on which too much attention cannot be bestowed by us or the Railway Board. After all it is valuable property in our hands. We have to keep it in a satisfactory and efficient condition, and it is necessary to overtake the repairs which were long overdue in 1921-22. In fact we allotted 18½ crores for overtaking repairs alone in addition to the annual grants which we made. It is an unsatisfactory feature notwithstanding all the excuses made by the various railway companies and by the Railway Board, that they are unable to carry out the programme. In fact the figures tell a very sad tale when we really examine them. There is a lapse of 17 84 crores in the Budget of 1923-24 and also in 1924-25 there was a lapse. In 1924-25 there was a lapse of 16 50 crores and in 1925-26 there is a lapse of nearly 10 crores in the amounts granted to the Railways for repairs, betterments and improvements. But they complain they are not

able to carry out the full programme. The extravagant allotments we are making lead perhaps to extravagance, or rather carelessness in the preparation of the estimates which they make for carrying out these improvements. That is also apparent from the fact that more than once the Railway Board have had to return these estimates and revise the estimates in order to cut down the estimates which had been made for carrying out these repairs and betterments. This shows to my mind more work is essential. If we want to keep our property in an efficient condition we must carry out this work for betterments, improvements and repairs and money spent on that purpose will be well spent although we may be spending too much to-day the property will be kept in a sound and efficient condition. Therefore economies effected in that line will not be good economy, it will be false economy and we shall repent it later on when our property is not in a satisfactory condition. We should not look to the return made to us to-day in the shape of over 8 per cent or 9 per cent. I find the Railway Finance Committee have fallen into the mistake of supposing now that the railways are earning 8½ crores or 9 crores, why should we so carefully examine or scrutinize the way in which the working expenses are managed. I see they have also fallen into that error. My Honourable friend Mr Sim is too powerful a man to deal with. He carries the Finance Committee with him at every point. I find there is no single proposal of his which has been turned down. I find going through the Finance Committee's proceedings almost every proposal is accepted. That shows no doubt the master mind of my Honourable friend Mr Sim. At the same time I would ask them to bear in mind, not to rest content with the returns which we are getting, for the returns of to-day may turn out to be the loss of some years hence. Therefore, unless we keep our property in an efficient condition by spending more than we do, we shall be repenting later on as we had to do some years ago.

Sir, that is one of the points. There has been a most important departure during the year under review, that is in the matter of starting a Depreciation Fund and Reserve Fund, and also as regards rules regarding the allocation between capital and revenue. This is dealt with at length in the recent Report of the Railway Board for Railways in 1924-25. I find the matter discussed elaborately in the opening paragraphs of that Report. That is a matter on which careful consideration is needed. I find this matter, these rules as regards allocation were placed before the Railway Finance Committee so early as the 6th February last year, but Sir, I am rather apprehensive as to the results of the application of those rules. I am anxiously awaiting the promised report of the Accountant General for Railways on the effect of those rules which he refers to, I think in his Appropriation Report. In his Audit Report for 1924-25 he promises us an account of what the effect of these rules in relation to railway accounts will be, and he proposes to discuss them more fully in his Appropriation Report. I have not been able to get a copy of the Appropriation Report for 1924-25. I am looking forward with some anticipation to that Report. I hope he will be able to bring out the results of the changes which have been effected. The net result of the changes as I see it and as it is pithily put by him in his Appropriation Report for 1923-24 is this. Paragraph 10 of that Report says

"The present policy which was based on fundamental rules laid down by the Secretary of State in the early stages of Railway development and has been in force for many years, rested on the principle that Revenue should cover all the expenses of renewing or replacing property up to its existing standard of efficiency required

of current costs of such replacements, etc., and that the Capital should bear only the cost of any increase in the standard of effectiveness of the property. The revised principle which it is proposed to adopt is based on the comparative cost of the existing and of the replacing item of property. In effect this would result in Revenue being charged with the past cost of the worn out property while capital would bear the actual cost of the property which is purchased or constructed in replacement.

So this is a fundamental change of a practice which has existed for over 60 years in the management of the Indian Railways. Under what authority this change was made or who suggested this change before this change was effected by the Railway Board I am unable to trace. I have looked at the Acworth Committee's Report, I have looked at the Retrenchment Committee's Report. It is true they make comments here and there as to unduly benefiting capital at the expense of revenue, but the instances they give are quite different from this fundamental change. This fundamental change which has been applied, Sir, I am afraid may lead to unduly benefiting the revenues at the expense of capital. That is a matter which will have to be carefully remembered. Well, we should not unduly benefit either side, that is capital or revenue. This will have the effect of unduly benefiting revenue. I know, Sir, that in regard to railway companies under the existing contracts, this rule cannot be worked. They cannot take advantage of it. But may I ask why the railway companies can not take advantage of it, whether they will not claim to have the same principle applied to them, whether if we adopt it for our accounting system they will not claim justly that they should also be allowed to do that. Anyway it will lead to practical difficulties. For instance we cannot compare the working expenses of the Company Railways with the working expenses of our own Railways. We cannot compare and contrast our own working expenses of previous years with the working expenses of the present day, if this fundamental change is made in a practice which has been followed for so long a time. Sir, I am not an accountant, but I look at it from the common sense point of view. Strictly commercial principles may be applied no doubt for persons who are really engaged in commercial transactions, but we are the owners of property. Am I as the owner of a property to adopt strictly commercial principles in keeping the accounts relating to my property? That is the question which I have to ask myself. Sir, I should like to be enlightened on this point. For instance if a mile of railway cost Rs. 50,000 in the making and if you are to replace it by spending 1 lakh of rupees to-day, the standard is the same—you have not improved the standard, but you want to allocate to capital the present day cost of renewing it. Sir, that has not been the practice hitherto. And I see capital at charge stood at 600 crores whereas now we have nearly 700 crores in capital. It stood at 543.88 crores in 1913-14. In 1921-22, capital stood at 606 crores, and to-day, Sir, it stands at nearly 700 crores. Not that between 1921-22 we have added new mileage aggregating to that amount, but on the other hand this shows that there will be a mounting up of capital if we go on adding the present day cost of the renewals to capital charge. I am sure that in a few years our capital amount will stand at a very high figure, and I do not know what the effect of that will be on the accounts. I notice that a firm of expert accountants are coming out and I am sure their advice will be taken in examining this question. Not that I want to disturb these things, but I do want to draw the attention of the Department to this radical change which I am afraid has been adopted. This Assembly has not been given an opportunity of considering this question. That is my complaint—that this fundamental change was effected without

consulting the Assembly. They tell us that they consulted the Standing Finance Committee. But is that enough? On such a fundamental proposition, could not the view of this Assembly have been taken beforehand? There may be others—I am not competent to deal with it—but there may be others in the Assembly who may be able to bring their mind to bear upon this change which has been effected without our knowledge, an important change which may have far-reaching effects in later years.

Sir, then again I notice—perhaps this is a matter of detail—when I looked at the schedule for the Depreciation Fund charges, I was struck with the way in which life had been given to various articles and things. For instance I was struck with the statement that you can give a masonry building two hundred years' life. I own masonry buildings myself, and if all my property could have two hundred years' life I would be a great man indeed. (Kumar Ganganand Sinha "You are.") But it is rather a surprising proposition to a commonsense man like me. I notice that a girder bridge is given sixty years' life and a masonry bridge 125 years. As a common man it struck me that there was something wrong in the system. This policy is likely to benefit revenue, this method of allotting amounts to the Depreciation Fund, by giving long lives to these things, seems to me to help revenue at the expense of capital. I do not know that that is a wise policy at all. To day you may be able to declare dividends of 8 per cent. and 9 per cent., but, Sir, in later years you will rue the day when we were so liberal, there is no use showing high percentages of returns when your property is going to rack and ruin without your paying attention to it at the same time.

Sir, I have only one or two more points which I will now take up. I find that there is an omission, an important omission in the memoranda supplied to us. Last year and the year before that, we were supplied with a memorandum containing a list of employees, giving the various communities and the classes employed. I find that omitted in the present statement. I do not know why. In fact there is no reference to the question of Indianisation either in the speech of the Honourable the Commerce Member or in the speech delivered in the other House. There is no account given of the progress in dealing with the question of Indianisation, I mean the matter concerning both the Indianisation of the services and the facilities for their training in workshops and other places. That is a matter which should not be lost sight of. That is a matter on which the Assembly will not go to sleep and will not allow the Railway Board to go to sleep. Unless the Railway Board keeps a special watch over that item, the Assembly will not rest content. The omission of these schedules, Sir, is a significant omission, and the omission of any reference to this question in the speeches in either place is again a matter which calls for serious notice.

Commerce, before he lays down charge of his office, will add to the items to his credit this item of waterways and see that it is started in his department, in order to take charge of the coastal traffic and to see that ports give all facilities for developing coastal traffic in this country and also inland water traffic. We cannot depend upon Railways entirely for traffic. It is too costly for the people, it is not suited to the poor people of this country. Waterways are best suited to them and we have got ample natural facilities in that direction. We have got an abundant coastal line and we have got abundant rivers which judiciously manipulated will yield good results. Sir, once again I congratulate the Honourable the Commerce Member on presenting a satisfactory Budget, but I must close with this warning—the satisfaction should not be complete. We must keep a close and watchful eye on the growth of expenditure in various directions. I would rather be content with less returns to the general revenue, but we want the property kept in a safe and efficient condition.

Lieutenant Colonel H. A. J. Gidney (Nominated Anglo Indians) Sir, I wish in the first place to congratulate the Honourable Member in charge of this Department as also the Railway Board on the very able way in which they have presented this Budget, and the sound financial position in which we find the Railways to day. It is very pleasing to see that it is only three years ago since the railway finances were separated from the general finances, and within this short period the Railways have built up a reserve amounting to Rs. 21½ crores, especially when one realises that this has been effected with a reduction in the fares and rates. But, Sir, satisfactory as this part of the Budget is, there are certain other points which call for serious consideration, points which appear not to have been dealt with by the Railway Board and at times against the direct wishes of this House and public opinion. If one were to look at page 39 of the proceedings of the Standing Finance Committee, for January 18th to 20th, it will be observed that the reduction in passenger rates amounts to 111 lakhs. If Honourable Members will further analyse these figures, they will find that out of this total only 24 lakhs are obtained from Company-managed Railways, leaving the balance of 87 lakhs which is obtained from State-managed Railways. Now, Sir, what does this imply? It implies that Company-managed railways are only mindful of the dividends they pay to their shareholders and that the interests of the lower class passengers who travel on these Railways do not concern them much. But, Sir, I do not complain against nor do I blame the Board of Directors of the Company-managed Railways. The fault lies primarily with the Railway Board. It was obviously its duty to insist on these Company-managed Railways to reduce their rates in conformity with the reduction on State managed Railways. I submit, Sir, that the Railway Board has failed to exercise the power that it possesses in this matter. These Companies with the exception of the Assam Bengal Railway, I believe, pay substantial dividends to their shareholders, and it is a matter of regret. (Mr K Ahmed "They make a regrettable loss") Will the Honourable Member not interrupt me please?

It is a matter of regret, Sir, that this position should have developed and be allowed to continue. I hope, Sir, when the time comes for the voting of grants that this House will express its views on this point in no uncertain voice. I appeal to the Railway Board to take a courageous line on this subject and to insist forthwith on all Company worked lines making reductions in the fares corresponding to those introduced on the State lines.

last after 7 years of neglect and delay. A similar response is needed in India and her Railways and I feel sure the Railway Board will give this matter its serious attention.

I turn now to the consideration of a few general questions. My Honourable friend Diwan Bahadur Rangachariar has referred to the absence in this year's Budget of information regarding the classification of employees in the various Railways. I had noted this myself. I believe Indianisation was made a part of the convention of the separation of the Railway from the General Budget. It is therefore a budget matter. I do not wish to anticipate the explanation of the Honourable Sir Charles Innes for this omission, but I think some such information should have been given in the books as was done last year. The subject of Indianization leads me to ask Government if they will disclose the figures of the number of Anglo-Indians on the Great Indian Peninsula Railway. (*An Honourable Member* "They are increasing.") Will you kindly stop interrupting—who were brought under retrenchment in 1923-24, and the number of posts which were vacated by these Anglo-Indians which were subsequently filled by Indians, within a very short time. Sir, I have no desire to raise any controversial question touching on the relative claims of Anglo-Indians and Indians to employment on Railways. The point I wish to make is this. It is as unfair to discharge Indians and fill their appointments by Anglo-Indians as it is to do the opposite, which I have every ground for believing was done a few years back and is even being done to-day on the Great Indian Peninsula Railway. Sir, the Great Indian Peninsula Railway has been held up as a wonderful example for the large economies in the cost of staff that have been introduced during the past few years. But I do not think it would please this House to know at what price these ruthless economies were effected. Suffice it to say at the loss of many appointments and the wrecking of many homes—economies that are being maintained to-day at the price of the ruined health of an understaffed and overworked body of employees. The guards and drivers are, I believe, to-day called upon to perform superhuman efforts. These retrenchments, I understand, have placed a severe physical strain on the subordinate staff, and I think it is high time that the Agent and his chief of staff were made to cry a halt, for there is a limit to human endurance even though the employees prefer to remain silent rather than face the ghastly spectre of unemployment. Sir, what is the true position to-day in the Great Indian Peninsula Railway? Thousands of appointments of subordinates have been brought under reduction, while the number and salaries of superior appointments have considerably increased, and a far larger proportion of Anglo-Indians have been brought under reduction. In a few words, Sir, the Anglo-Indian subordinate has been offered as the officials' sacrifice on the altar of economy and retrenchment. It is said that the staff is happy and contented. I know the very opposite exists. They do not complain of their pay. But what they do complain of is the feeling of insecurity and instability regarding their jobs, not knowing when from overwork they might be given their discharge with a month's notice—that bond of Railway subordinate slavery.

One more point, Sir, and I have finished. I urge that the subordinate employees in Railways want a fuller measure of protection from their employers than they have at present. I want this protection to be given to them and I ask for that protection not only for the community which I have the honour to represent and which forms the backbone of all Railways in India, but also for thousands of my Indian brothers who serve

under similar conditions. Sir, what I ask for is that on each Railway there be appointed a committee on which the employees must be represented, to decide questions which relate to breach of discipline, questions which relate to dismissals and forfeiture of bonuses, gratuities and provident funds, because I submit that it is not right for the Agent or his officials to be the accuser and judge in such matters. Government refused to accept the Resolution which this House passed last year asking for a Committee of Inquiry into the grievances of railway employees, but let me warn the Government to day that, until they establish such a Committee or until they give full representation to the interests of the employees, the legitimate claims of the subordinate establishments of the Railways will never be satisfied and Government will never obtain all that it is possible to obtain from their employees by not having a contented and loyal staff and a staff which will work under conditions which give them a reasonable amount of security of office. Sir, I am no advocate of strikes. Neither am I an advocate of creating discontent. But I am certainly an advocate of justice being shown to the subordinate railway employee and of his being given the same justice and channels of redress as are given to every menial in the Government of India and other Government offices.

Mr Kasturbhai Lalbhai (Ahmedabad Millowners' Association Indian Commerce) Sir, I welcome the budget statement of the Member in charge for Railways, particularly so as it shows progress in so many different directions. The Honourable Member through modesty has not claimed any share of the credit which should rightly go to him and which we on this side of the House, are quite prepared to admit, and we congratulate him on the able manner in which the Railway Administration has been conducted for the last few years ("Hear, hear," and cries of "Coal"). It is a healthy sign of the times that the reductions both in fares and freights have been announced to the varying degrees of satisfaction to various sections of the public. Sir, it appears to me that the Railways under the management of the State are following a very conservative policy, unwarranted by the circumstances. (Mr N M Joshi: "Even in reducing third class fares.") Quite right. Last year I was obliged to bring in a motion demanding a substantial reduction in the freight on coal, and was told that if the Government were to accept it, it would take away a large slice from the Government revenues, in just the same manner as the Honourable the Finance Member gave this House to understand that the finances of the country would be in a perilous condition if the cotton excise duty were to be abolished. Sir, I have been in this House for two years and a half and have failed to understand how the Honourable Members on the Treasury Benches have made possible what they deemed as impossible only a few months back.

The coal trade, as the Honourable Member is aware, has been passing through a crisis for the last two years and over, and the one great need to revive it has been a reduction in freights. By no means do I desire to belittle the announcement that has been made by the Honourable Member of a 10 per cent reduction all round. I appreciate it, but what I say is that it will hardly give that impetus to the trade which it so sorely needs, and I therefore hope that a further reduction will be made possible in the near future due to the continued prosperity of the Railways. (Mr B Das: "How much do you think would be justified?") 25 per cent. The importations of fuel oil have steadily risen from 34 million gallons in

1919-20 to 80·5 million gallons in 1924-25. This increase is an index to the coal being replaced by the foreign imports of fuel oil, and the railway policy is more or less responsible for this.

In the matter of fares also, I feel that the reductions are too small to attract traffic, and if it be the aim of the Railway Administration to stimulate traffic, it appears to me that further reductions will have to be made.

Sir, I do not see any point in the Honourable Member making the announcement of the reduction of freight at the time of presenting the Railway Budget. Commercial and industrial opinion was greatly agitated over this question and it is difficult to see what would have gone wrong had the Honourable Member announced the decision when it was arrived at instead of waiting till the budget time. Sir, this Budget is very different in its effects from the General Budget, and I hope announcements of this nature will hereafter be made when the decision is taken.

Sir, we have been told that the long distance coal freights will be reduced from the 1st of April by 10 per cent. Working this out for Ahmedabad I find that the reduction comes to 8 per cent only. Last year it was asserted by the Honourable Member that an all-round increase in freight on coal was 30 per cent while as pointed out by me, it was 33 per cent in the case of Ahmedabad. I should very much like to know why Ahmedabad is being singled out every time and allowed a disproportionate benefit. Will the Honourable Member enlighten me whether the reduction in freight on coal from the Central Provinces collieries over 400 miles distance will also be 10 per cent?

I shall be glad to learn what policy the Railway Board proposes to follow in the matter of fares and freights on different Railways, for when one line announces a reduction and another keeps silent thinking over it, it creates dissatisfaction in the minds of the public. I would therefore suggest that the announcement of reduction—no matter how much it is—should be made simultaneously by all the lines concerned.

I may be allowed to make some mention with regard to the great disparity in freight rates. The Honourable Member in charge of Railways has expressed the opinion that these are more illusory than real. Sir, that is not so. If the commercial interest in the country has cried out for the appointment of a statutory Rates Tribunal, it is because such disparities as I shall presently mention have gone on for years without any redress. For instance, Sholapur is 1,323 miles distant from Calcutta, and the rate is Rs 4-7-2 per maund, which is fully three times the rate from Calcutta to Bombay both *via* Jubbulpore and Nagpur, the distances being 1,383 and 1,223 miles, respectively. From this, it will be apparent to the Honourable Member that a great injustice has been perpetrated on the commerce and trade of Sholapur. I need hardly say that it is not only Sholapur, which has to suffer in this respect, but there may be other centres similarly placed.

Sir, I am one of those who do not believe in half measures, and the announcement regarding the Rates Tribunal being merely an advisory body has no charm for me. Not only has the Ahmedabad Millowners' Association, which I have the honour to represent in this House, disapproved of the formation of this kind of body, but even the Indian Chamber of Commerce, Calcutta, and the Industrial and Commercial Congress which recently met at Delhi have demanded a statutory body. This shows that

the proposed advisory body does not meet the requirements of the Indian commercial public. That being so, I beg to submit that it will be a waste of money to proceed with this body which does not enjoy the confidence of those that will have to deal with it. I hope it is not too late even now for Government to mend matters in this connection. Sir, I trust you will not rule me out of order if I were to make mention about the personnel of this advisory body. It will be admitted by the Honourable the Commerce Member that the subjects which will come up for discussion before this body will be of a very technical and complicated nature. The Acworth Committee which recommended this measure stated in very clear terms that you require the very best men with previous experience if possible to sit on this Board. Sir, I would be the last person to cast any reflection on the gentleman appointed as the President of the Board. But, Sir, what I feel most is that this was a post which could well have gone to a shrewd business man. (Laughter.) Bombay has always received step-motherly treatment in the matter of appointments and grievances. I know that it will not be asking too much of the Honourable Member if I say that a Bombay business man should be appointed on the Board. (*An Honourable Member* : "Why?") Because Bombay has always been neglected by the Government of India whether it be in the matter of Executive Councilorships or the Rates Tribunal or anything else.

One more point with regard to the terminal charges and I have done it. If I am not much mistaken, these charges have been recently introduced. There has been no definite basis for the imposition of these charges. I have been given to understand that this question is under the examination of the Railway Board. May I hope that an equitable basis will be worked out to the satisfaction of the commercial public at an early date and also that the items comprising these terminal charges will be clearly defined.

Mr H G Cocke (Bombay European) Sir, this is the annual general meeting of the shareholders of Indian Railways and the Directors with their scholarship and learning and their files are sitting over there at a convenient distance from the shareholders who are criticising them. But you, Sir, unlike the Chairman of a meeting of a public Company, are in the fortunate position of absolute independence. (Hear, hear.) Sir, I must be very careful in anything that I may say because I happen to belong to a committee which advises this Board of Directors. It is important that a member of that committee should not criticise himself and it is more important still that he should stick to any decisions that may have been reached by that committee. But one point which I should like to criticise is the extent to which new lines have been opened up during the last two years. It has been considerable in a sense and inconsiderable in another sense. I think the total new mileage opened in the last two years has been in the neighbourhood of 500 miles. Having regard to the number of railway systems in this country and also the vast extent of the country, that, Sir, is not a very vast development and it is obvious that the Railway Board is not altogether satisfied with it. I notice that Sir Clement Hindley in his speech said

"The mileage added to the Railways last year and this year is only a partial index of the work which we have in hand and that we may expect before long to reach a much higher output."

It is stated that there are 63 projects at present sanctioned covering 2,500 miles, and that the projects sanctioned and under consideration cover

from 6,000 to 7,000 miles. Those figures are very large and I hope that to attain them quickly construction will be speeded up very materially. One direction in which that can be achieved, I feel certain, is by making more use of private contractors. I know that is being done to some extent in bridge work and also in other ways, but I believe that by putting out specific work to tender you will get better results and get work done quite economically. I hope we shall hear something from our Directors on that point because if we are going to increase the yearly new mileage opened from 250 to 1,000 miles, which Sir Clement Hindley has hopes of doing, it is obvious that we shall have to go far more quickly ahead in the future than we have done in the past. We have seen that the railway agents have been far too optimistic in the figures that have been presented of capital expenditure anticipated. They have not been able to spend anything like the amount that they had hoped to. For instance this year, 1925-26, the approved programmed expenditure was 32 crores. The Railway Board said to their agents, "Go ahead, we will not interfere, spend your 32 crores, but we are sure you will not be able to do so." The Railway Board was more than justified. They made a lump sum out of 9 crores, leaving 22 crores and 90 lakhs as a net grant to be spent. At the same time they did not prevent their agents from spending up to their 32 crores, but the latter have not been able to spend more than 19½ crores, leaving 3½ crores to lapse, so that only 19½ crores will be spent this year. It is hoped that 22 crores will be spent next year, plus 4 crores on the Delhi-Umballa-Kalka acquisition, but as I say, if we are to increase the railway development of this country, in which there is a vast field, at a much quicker pace than has been possible in the past, it is necessary that we should spend very much more than 22 crores which is anticipated for the year 1926-27.

There is another point about new construction as to which I should like information, and that is with reference to the possibilities of company lines undertaking construction in advance of the date when they may be taken over by the State. What is the position? Supposing a company line spends a crore of rupees on a project of which that company will not reap the benefit, if, five years hence, the State takes it over. They have to pay interest on the money borrowed for expenditure, and they have, I understand, to pay that interest out of revenue. But I do not think in all cases—if at all—will they get back that interest from the Government when Government take that railway over?

So, it is very gratifying to find that the Railways of this country will have placed to railway reserves the amount of 12½ crores in the three years ending 1926-27. I hope, however, that too great inroads will not be made upon those reserves, as, compared with the size of the undertaking, really the figure is very small.

I have heard the word "Indianisation" mentioned in railway debates, and therefore I may raise it myself. I notice in the annual Report of the Railways for 1924-25 that the total number of people employed, Europeans, Anglo-Indians and Indians, is given. Now the increase for 1924-25, as compared with 1913-14 is 107,000 hands, and those 107,000 represent the increase in the number of Indians. The Europeans have dropped by 1,700 and the Anglo-Indians have increased by much the same figure, so the large increase of 107,000 is entirely Indian. That is very creditable. I have never heard anyone yet get up and suggest that the Railways of India can be run without a considerable measure of European supervision.

Sir, I think that exhausts my remarks. In conclusion I should like to pay a tribute to Sir Charles Innes and all the more so because he will not be here next March. We do not know where he will be then. If he is sitting by the village pump reading the report of our discussion, he will no doubt take a very great interest in the proceedings. He may sometimes in retirement be inclined to weigh the benefits of the separation of railway from other finance with the benefits accruing during his period of office from the protection of industries. I should not be in order in going into that matter now, but I am quite sure that the separation of railway finances from general finances is one of the finest things which he has achieved during his term of office. It will go down to posterity associated with his name and I congratulate him very heartily on his success in his office.

Mr R K Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot Non-Muhammadian Rural) Sir, I have no doubt that my Honourable friend from Ahmedabad has got every reason to congratulate the Honourable the Commerce Member on the Railway Budget that has been presented to us. I may be allowed to congratulate my Honourable friend from Ahmedabad on what the Ahmedabad mill industry has got in this Budget. Sir, with all the criticisms that we on this side of the House may have to offer on the Railway Budget, I have no doubt that Honourable Members will agree with me when I say that my Honourable friend the Commerce Member has every reason to congratulate himself on the results of the railway administration for the last three years. It is indeed very gratifying to note that the separation of railway finance from the general finances of the country has succeeded in producing the desired effect. As my Honourable friend the Commerce Member has pointed out in his speech, if there is one thing more than another to which the better results are due it is the convention of September 1924. The objects of this convention, as Honourable Members will remember, were two-fold, firstly, to relieve the General Budget from the violent fluctuations which resulted from its association with the Railway Budget and secondly, to enable the Railways to carry on a more continuous policy of railway development. While those who are responsible for the railway administration of this country were actuated by the second object, that is to enable the Railways to carry out a continuous policy of railway development, I am afraid that, in agreeing to that convention the House had more in mind the idea of relieving the General Budget from the violent fluctuations to which it was subject. Sir, my Honourable friend, Mr Jammadas Mehta, in his Budget speech last year, pointed out how with a merciless hand this House forced out from the railway administration every penny that the General Budget could get. This contribution of the Railways to the General Budget is a feature which I personally do not approve of. Sir, the only ground on which the contribution which Railways are called upon to pay to the General Budget can be justified is the present, and I believe the temporary, financial stringencies of the General Budget, and I do hope that when our general finances are in a better and more stable position, the first thing we will do will be to wipe away the contribution which the Railways pay to the general revenues. Sir, what is the meaning and what is the significance of the contribution which the Railways pay to the General Budget? (*In Honourable Member* "For the losses made before") Whatever may be the losses made before, the meaning of the contribution is this that it is a tax upon the communications of the country. Sir, I for one would not be prepared to support any taxation on the communications of this country.

While the separation of the two Budgets has resulted in producing the desired effect, I am afraid in one respect it may retard the future railway construction in this country. Sir, the obligation to pay a fixed contribution to the general revenues must necessarily hamper fresh railway development in future. My Honourable friend the Commerce Member has indicated in his speech that in launching fresh programmes of railway construction, the railway administration will primarily be actuated by the consideration whether the proposed new line will pay immediately and whether it will pay well. If that is to be the only criterion of future railway development in this country, I am afraid railway development will suffer very considerably and seriously indeed. My Honourable friend Mr Cocke pointed out the very unsatisfactory progress that has been made in the opening up of new lines. In 1924-25, we opened 233 miles, in 1925-26, 264 miles, and in 1926-27, we expect to open 240 miles of railways. Sir, I believe I am correct in saying that at present we have a total mileage of 38,500 miles, and 20 years ago the Mackay Committee pointed out that India must very soon possess a mileage of 100,000 miles. Therefore, Sir, construction at the rate of 250 miles a year, I consider very unsatisfactory. My Honourable friend, Sir Clement Hindley, in another place, expected that it would be possible, before long, to open up about 1 000 miles of new railway every year and I do hope, that that expectation of his will be very soon realised and fulfilled.

Judged purely from the financial results of the last three years, the railway administration has every reason to congratulate itself. For the three years beginning from the year 1924-25, the railway administration has succeeded in contributing a gross amount of 22 crores of rupees to the General Budget, in keeping a reserve of 12½ crores, and having in its Depreciation Fund account about 9.25 crores, altogether a net gain of 43.75 crores. Judged by these figures, as I said, the railway administration and my Honourable friend the Commerce Member might very well congratulate themselves, but, Sir, the financial results of a railway administration are not to be judged merely by the net profits that accrue but by the efficiency and the cost of service of that administration. Honourable Members will remember that the English Railway Act of 1921 laid down that the English railway companies are entitled to their standard revenue provided that the working and management are efficient and economical. Sir, here in India the railways are a monopoly and there is no competition. My Honourable friend the Commerce Member says that the House has its guarantee of economy in the fact that we have to pay not only our interest charges, but a contribution in addition, and that anything we can make in excess of our charges goes to our own reserves. Sir, on the question of economy we cannot simply take the word of the Commerce Member. An impartial and competent tribunal must decide whether the rates and freights charged on the railway companies are proper whether they are in conformity with the economic position of the country, and only when that is proved, can it be said that the railways are providing service which is economic and efficient. A mere comparison with past years' results would not, I submit be a proper index of the economies that have been effected. I will give, for example, an instance. I see, Sir, that the operating cost in 1925-26 was 26.74 crores. In 1926-27, the Budget provides for 26.46 crores. In 1926-27, if I have understood the Budget correctly, the railway administrations have provided for an increase in traffic to a considerable extent and the one item of expenditure which directly goes on with

in increase of traffic in the operating cost—and yet they do not find? In 1926-27, in spite of the increase expected in the traffic, the operating cost is budgetted at about 10 lakhs less than it was in 1925-26. That shows there is something wrong in the operating cost of 1925-26. (The Honourable Sir Charles Innes: "The fuel account.") I for one have not been able to understand what the real significance of this is. Take again the stores balance account. I see, Sir, that in 1921-22, the stores balance amounted to 22.19 crores, in 1922-23 to 22.83 crores, in 1923-24, 21.57 crores, in 1924-25, 17.08 crores, in 1925-26, 15.35 crores, and in 1926-27, 11.06 crores. Sir, the enormous figures at which stores balances stood attracted the attention of the Inchesapoo Committee, and they pointed out that reforms were necessary. I have no doubt that compared with the figures of 1921-22, the figures of 1926-27 are very satisfactory indeed. In fact as compared with the figures of 1921-22 there has been in the stores balance account a saving of 11 lakhs in interest charges alone, but I would ask the Honourable Member for Commerce to explore the possibilities of still further reductions in the stores balances. As a layman I am not able to say whether it is justifiable, taking into account all the circumstances, to have a stores balance of 11.06 lakhs. I hope my Honourable friends the Commerce Member and the Chief Commissioner for Railways will look into this matter very carefully.

Sir, speaking about economies I have got one suggestion to make. I would like to know whether the loading capacity of our trains is utilised to its fullest extent. Sir, I have not been able to find any statistics in the Administration Report of the Railway Board, any statistics or figures to prove this. I find, that in England the Ministry of Transport publishes statistics every month. (Sir Clement Hindley: "We publish such statistics too.") You publish statistics every month, I know, but I want to know whether you publish statistics on this particular point. (Sir Clement Hindley: "Yes.") Well, I have not been able to find them. I understand there is a complaint even on English railways that the average load of merchandise in a loaded ten-ton truck is only 3 tons. What I would like to know is whether the loading capacity of our wagons

The Honourable Sir Charles Innes (Member for Commerce and Railways): The loading capacity of our wagons, you mean, you said tons.

Mr R. K. Shanmukham Chetty: Of our trucks, I mean, whether it is utilised to its fullest extent. My Honourable friend the Chief Commissioner of Railways says that statistics are published, but I have not been able to find at least from the Administration Report any statistics on this point. It will be conceded that an increasing truck load and train load would lead not merely to a decrease in operating expenses but a reduction in maintenance charges and a considerable saving in replacement of rolling stock. This is a point on which the railway administration might well satisfy itself whether economy to its fullest extent has been realised in this respect.

Sir, there is no doubt, as my Honourable friend the Commerce Member said, that the prosperity of India is in no small degree bound up with the prosperity of the railways, but the prosperity of our railways depends not so much on the net earnings shown every year in the Budget but upon the efficiency of the service rendered and on the economy in the

administration of railways With these few words I would like to congratulate my Honourable friend on the budget statement which he has presented to the House

Mr A Rangaswami Iyengar (Tanjore *cum* Trichinopoly Non-Muham-madan Rural) Sir, I do not desire to add to the chorus of congratulations of which my Honourable friend Sir Charles Innes is the recipient Indeed I should have thought that his colleagues on the Treasury Benches might well nigh be envious of it I desire therefore to view the Financial Statement of Sir Charles Innes and the statement made by the Chief Commissioner for Railways from a few general standpoints and to offer one or two observations on the general position of the Railway Budget this year Sir, my Honourable friend the Honourable Sir Charles Innes three years ago, when the question of State management of Railways was discussed, expressed himself as wholly pessimistic of the wisdom of State management, wholly pessimistic of any democratic Assembly taking charge of State management and spoke of the notorious incapacity of democratic assemblies having the power to manage railways of the corruption that it would engender and all the rest of it Sir, to-day on the floor of the House my Honourable friend claims that this Assembly will go down to history as having made the greatest landmark in the administration of Railways in this country Sir, I congratulate him on his conversion to sane views I congratulate the Assembly also upon having demonstrated to the most senior Member of the bureaucracy on the Treasury Benches that after all democracy in this country also has its uses, and that therefore it will not be possible at any rate for my friend Sir Charles Innes hereafter to say "We are still experimenting with this democracy, we are merely seeking to find out if you are fit for it and the Statutory Commission cannot be brought out before 1929" If this democratic Assembly on matters of railway management and administration is able to make a landmark in the history of Railways, if this Assembly has succeeded beyond expectation in producing an improvement in railway administration to the extent to which my Honourable friend claims and for which he obtains credit and receives the congratulations of the House, I say Sir, our fitness for taking charge of all the other responsibilities that devolve upon us not merely in respect of the Railway Budget, but also in respect of the General Budget, seems to me to be clearly established I do hope my Honourable friend, Sir Charles Innes, will therefore not grudge to make that frank and full admission on the floor of the House

I do not desire further to emphasise the political aspect of the admission Sir Charles Innes has made I would therefore next refer to the fact that in spite of these great and satisfactory features upon which he can legitimately congratulate himself, I am yet unable to find to-day from his exposition the exact principle upon which our railway administration and State management of Railways is put in the Department which controls it We want to know, Sir, whether Sir Charles Innes has now made up his mind that State management of Railways in this country is the right and correct thing to do and that it has passed through the experimental stage and we have established a great landmark If that is so, I want to know what is that landmark, what is the principle upon which my Honourable friend would base the State management of Railways in this country I find on the one hand my Honourable friend, Mr Shanmukham Chel-
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stating that State management of Railways should not be based upon a commercial basis. On the other hand I should have thought, Sir,

Mr. R. K. Shanmukham Chetty On a point of personal explanation I do not know whether I stated any thing which contained an implication that railway management should not be on a commercial lines. I said quite the contrary.

Mr. A. Rangaswami Iyengar May, I explain, Sir. I am afraid my friend Mr. Shanmukham Chetty has not understood the full implications of what he said. He said that the idea that the Railways should be worked in this country in order to earn a profit for the general revenue was not sound. On the other hand, he said that any profit that is earned would be virtually a tax upon communications. Now, I want to know what is a commercial proposition. I want to know whether a commercial proposition does not mean a balance sheet and a balance sheet with a profit. Otherwise, that business company which makes that proposition deserves to be wound up. Therefore, there is no question, once you admit the principle of commercialisation in the matter of railway administration, you have to work it on a business principle, on the principle that for every service that you do you obtain an adequate return. If you work on that basis, there is no escaping from the position that Railways should be treated as a business proposition. But, Sir, I do not want to labour this business aspect of it to death. On the other hand, I perfectly agree that so far as the Indian Railways are concerned, they must be primarily treated as administrations which perform national services on a business basis, and therefore while I am quite clear that the principle upon which railway finance was separated from general finance and re-organised upon a commercial basis is quite sound, at the same time I do not think that it is right that the general revenues should treat the railway property in this country as a property to be exploited. It was Lord Curzon who in the palmy days of railway surpluses by which he was able to make the first reduction in the salt duty, described the Indian Railways as a magnificent asset. Sir, if it is a magnificent asset, we in this Assembly have to decide to what use we should put this magnificent asset, whether we are merely to put it to use in the way of putting more money into the hands of the Finance Member so that he may go on increasing expenditure upon the general services, military or other, of which the Government are in charge, or whether we should put the profits that are earned to the use of performing more national services. From that point of view, it is clear that the primary object to which this magnificent national asset should be devoted is the improvement of the utilities to the community which this railway property should bring to the country. I do not agree, again, with my friend Mr. Shanmukham Chetty who as good as stated that no contribution whatever should be made from the balance of railway surpluses to the general revenues. I do not agree with this view for the simple reason that the present basis upon which the surplus is divided is a wholly artificial basis. Now, Sir, if the Railways are to be worked as a business proposition, obviously the capital that has been sunk in the Railways and the present value thereof ought to give a return to the State which has put all this capital into it, and the question what is the proper return on that capital can be determined if we go into the whole figures for over seven or eight decades.

Mr R. K. Shanmukham Chetty It will pay the interest charges

Mr A. Rangaswami Iyengar Yes, and the question is what is the interest charge upon the railway property. You are talking of capital at charge, I want to know what is the present value of the asset acquired by that capital, and what is the return you want on this capital that has now remained invested for over sixty years? If you are going to value the railway property on its present capital value basis and if you want it to give a return on that basis, I am sure, Sir, the one per cent that is paid as contribution from the railway revenue to the Government and to the general revenues will be too small. On the other hand, if you merely say 'We put in capital at various times, we lost so much money in various wildcat schemes, we have had huge deficits, huge losses on Railways in the past, if you are going to make up all that

Committee that hereafter all new projects for branch lines should be made as part of the main system and should be undertaken by the Government and that the capital that District Boards or Provincial Governments might furnish would only be availed of in cases in which the lines are not paying—a policy which was described in the Madras Legislative Council by a Member of the Government as “Heads I win, tails you lose” That policy the Central Government has established, and the result of it is detrimental not merely in regard to future lines, but also in regard to all projected lines of these District Boards to which they had been looking forward, from the profits of which they expected to do much public utility work in the several departments under the local authorities in Madras. Not only has all that expectation been defeated in respect of future lines, but in regard to existing lines under actual construction the Government have held them up and the money that is lying idle has not been put to any use.

Diwan Bahadur T. Rangachariar. They have taken it up themselves.

Mr. A. Rangaswami Iyengar. I am coming to that. Then, I said last year to the Honourable the Financial Commissioner in this House that this matter required looking into and that the Government should afford guidance to the District Boards as to the best way in which they can carry out their policies and projects for the benefit of their districts. There were some technical difficulties under the Devolution Rules which I pointed out and which were subsequently remedied. The position so far as that is concerned is that railway construction is a reserved subject, while District Board cesses and District Board railway construction are transferred subjects. As a result neither of these two departments was able to co-ordinate their ideas with the other in this matter, thanks to dyarchy. Then difficulty is that the general question of railway construction and railway administration is a central department, and when I asked the central department a question on the subject, they said it was a provincial matter, but when the Provincial Government is asked about it they say it is under the Ministry, a transferred department. We get no lead, no help. All this time, all these years, prior to the Montagu Scheme, the Central Government had kept the tightest hold upon railway administration and railway construction every where, and now they say railway construction so far as feeder lines and tramway lines are concerned will be a provincial transferred subject, and then when the District Boards go to the Local Government, i.e., the reserved department, they feel no interest, they do not afford any guidance. I say, is it right for the Central Government to leave District Boards in this position of absolute helplessness? I asked my friend Mr. Sam to help District Boards in this matter. He came to my province twice, and the proposal he made was “Look here, I will take over all these lines, I will pay you something, we will adjust the price. I will pay you the money, take it and do whatever you please with it.” Sir, that is a policy of irresponsibility on the part of Government of India, and I object not merely in regard to this but in regard to the other question of policy or making doles to the Provincial Governments. I object to the Imperial Government dumping money upon provincial or local authorities with no guidance to them, with no expert help which they could obtain. I said, Sir, and I say that my Honourable friend had a very inadequate perception of his responsibility when he merely said “We will give you the money and you do what you please with it.” I say, Sir, so far as this question

is concerned, it is the duty of the Railway Board and of the Railway Department of the Government of India to come to the rescue of the District Boards and to tell them how best they can profitably use all this money, how best they can conserve and improve the resources which they have obtained by using this Railway cess. If the Government want to take over some of the railways, it is their duty not merely to pay them compensation, but also to instruct the District Boards how they can use it for other purposes of public utility. Sir, it was said at the time when the Devolution Rules were framed that District Boards and local authorities should be asked to confine themselves to the construction of tramways and light railways. Now, what have the Government done to help them in this matter? When we ask the Provincial Government about this matter, they say that they do not know anything about it and that the rules are very confusing and so we are referred to the Imperial Government, but when we ask about it here, we are referred to the Provincial Governments, and my friend Mr. Sim says, "Oh, you take the money, I do not know exactly

Mr. President The Honourable Member must know that his time is up. He is the Secretary of a great Party, and I think he should strictly adhere to the time limit.

Mr. A. Rangaswami Iyengar Sir, I do not want to say more on this matter. But I will merely content myself with saying that my Honourable friend Mr. Sim will certainly give me a satisfactory answer about this matter.

Mr. W. S. J. Willson (Associated Chambers of Commerce Nominated Non-Official) Sir, I desire, in the few remarks that I wish to make, to congratulate the Honourable the Commerce Member on the wonderful budget figures which he has put before us and to associate with him and other speakers in passing on our meed of praise to Sir Clement Hindley, the Honourable Mr. Sim and the railway staff generally.

I take first the important point raised by my Honourable friend Mr. Harchandrai Vishandas, in which he rather found fault with the Government about a difference in the estimates. To my mind, Sir, the figures put before us by the Honourable Sir Charles Innes are perfectly wonderful for their accuracy in estimating. The difference is only a matter of 35 lakhs of rupees net, which, on a turnover of 101 crores, amounts to the absolutely insignificant difference of 35 per cent. Sir, I do not think any accountant could claim that he could put forward better figures, and there must have been a certain amount of real good fortune in it that they came out so marvellously closely.

My friend Mr. Rangaswami Iyengar quoted Sir Charles Innes' old speech against the policy of State management. He has forgotten that subsequently to that, Sir Charles Innes definitely stated in this House that to his mind the separation of railway finance from the General Budget had done away with one of the greatest of his objections to State management. I think Mr. Rangaswami Iyengar should have remembered that.

Mr. A. Rangaswami Iyengar May I say, Sir, that I merely relied upon the words which Sir Charles Innes used that this Assembly will go down to history as the Assembly which had at long last placed the railway finances on a proper basis. I was only claiming

Mr. W. S. J. Willson. Quite so. But the Honourable Member quite forgot what the Honourable Sir Charles Innes had said on a subsequent occasion.

The question of State management is a *fait accompli*. Therefore, it is no use arguing it further upon the floor of this House. The contribution which the railway finances are to make to the State has been fixed by this House. The Government proposals were amended by this House. If we follow Mr. Rangaswami Iyengar further, we would find that his speech practically amounted to urging an increase in the freights. But, Sir, I do not propose to follow him. I prefer to take the fact that we have in this Budget given effect to a considerable amount of reductions both in passenger fares and coal freights. In regard to passenger fares, Mr. Harechandrar Vishandas rather spoke as if it were one of the objects of a Railway Board to give relief to the passengers. I submit, Sir, that when we are running our Railways on a commercial basis, our first outlook must be to see that we make a profit. We are not here so much for the purpose of granting relief as for making a profit. I personally would not wish to see our resources frittered away, at this early stage under the change of management, in granting insignificant reliefs here and there. The question of whether a relief or concession or reduction is justified must prove itself by what it subsequently brings in to the pool. I attach no value to the giving of a few pice here and there, but would far rather see the money spent in the development of traffic and in the increase of facilities. It must be noted that the reduction in the coal freights, which I cordially welcome, stands on a slightly different footing. They are given on a prime mover, that is to say, coal is the article which provides the prime movers for all our industries, and the lower the cost you can make for all these things, the greater the filip to industry. If you encourage your industries, anything that we may be giving away in the way of railway freight should come back with interest out of increased traffic. Incidentally, the coffers of the State, if it in the meantime has to lose a little of the contribution which it takes from the Railways, may be more than made up in an increase in income-tax.

On the question of Reserve Fund, therefore, I do not wish to see this fund dissipated. At 10 crores it is a very small figure, it is only equivalent to what we actually lost in one unfortunate year, and in another unfortunate year, we might lose a considerable portion of it again. I would not like to state any figure to which I think we should work up, but I do state generally that we should work up, and go on gradually increasing that figure. We must remember that our Depreciation Fund is one from which we naturally spend and that we have not, as other transport companies have, an Insurance Fund, which on occasions of calamities and so forth, may bear the cost of such calamities. Apart from reduction in the long distance coal freights which has long been asked for, I would dearly like to see our next step taken in the way of a further reduction by way of rebate on export coal. The reduction of long distance coal freights cannot be expected to bring in any new markets. It can only add to the consumption and development, but a specific rebate on coal freights is a direct incentive towards recapturing the markets which we were unfortunately obliged to lose during the war period.

Further, Sir, such reduction of coal freights has a special claim upon the Railway Budget, because it is the coal owners themselves who have

made one of the biggest contributions to the Railway Budget by the reductions they have made in the price of their coal. On that subject I hardly think it wise to fix the date for the reduction some little distance ahead as the 1st of April. In my own experience, reducing freights at a given date like that has taught me that what happens is that everybody immediately holds up buying and everybody who can do without coal until after the 1st of April will be tempted to do so. That will mean that some wagons and engines and facilities generally will not be fully utilised during the intervening month.

Mr Rangachariar commented somewhat adversely upon the expenditure under administration. Now, Sir, I take the point that if you are going to improve your administration, you cannot lessen the cost of it. You have to buy good brains—the best brains. You have to employ special staffs for special purposes. Anybody reading the speeches of Sir Charles Innes and Sir Clement Hindley must have seen that they have had to employ a certain number of special officers to put upon special tasks, and this is a factor making for an increase in administration expenses and not a reduction.

I am sorry to see that it has not been possible to spend more than just under 20 crores, but there again, I know from such of the inner working of the Railways as has come before me in the Committee on which I serve, that this point is being well kept in mind and all attention is devoted to it on behalf of the Railways.

A great deal of the difficulties from which the Railways have suffered has been due to congestion in the marshalling yards. Those of us who travel extensively in this country cannot fail to notice the tremendous blocks of traffic that we see, and from the inquiries which I make in the places in which I travel, I am informed, actually at stations themselves, that things are improving. Mr Shanmukham Chetty was not aware that figures are published, showing the working of the engines and wagons. I am sorry he does not know it, because, had he looked at those figures, he must have noticed the improvement for himself.

With regard to workshop development some of my friends have been much concerned to find that an expert has been brought out from home with a view to co-ordinating the working of the different workshops. I have had the advantage of a certain amount of conversation in his office with Sir Clement Hindley on this point and I am not so much alarmed about it myself. But I would merely like to say that I hope that as soon as possible that expert's report may be issued and a full statement made thereon.

I welcome very much the remarks in regard to work being given to outside contractors and I associate myself with the remarks which fell from Mr Cocke in that respect.

Diwan Bahadur T Rangachariar May I ask what was the alarm about the expert on workshops?

Mr W S J Willson Well, Sir, I will go back to the subject if you wish.

Diwan Bahadur T Rangachariar Please develop it. I do not understand it.

Mr W S J Willson The idea was that this scheme would interfere with private enterprise and would have the effect of taking away from private workshops work to which they considered they were entitled and can perform.

I am sure we all welcome the statements in the speeches in regard to the work which is being given to the wagon builders of this country. It is very gratifying to find that these workshops are all now full, and I might perhaps pass on from there to say that if the work is given so far as possible in this country to wagon builders, why should work also not be given to our professional class? Take, for example, the proposal to import auditors to come and redraft some of our accounts. We have several very distinguished firms of chartered accountants in this country whose ramifications extend all over the world, and while it may be that their name has been borne in mind, for my part I should like to find that preference is given to those who are situated in this country and who pay their taxes here. Moreover if any such system has been devised, it will probably require assistance from those in this country to carry it out.

An important item in the Budget this year is the statement that the work on the new harbour at Vizagapatam has been put in hand. This is a work of very considerable magnitude and I should think it will probably have as far reaching effects as any other project referred to in the Budget.

Mr. B Das (Orissa Division Non-Muhammadan) It will ruin Calcutta any way.

Mr W S J Willson Don't be selfish.

Mr B Das It will.

Mr W S J Willson With regard to the Rates Tribunal, I associate myself with the remarks from my commercial colleague from Ahmedabad. I would certainly like to stress that the Committee, be it advisory or statutory, should have amongst its members men chosen from the commercial world, though I will not be quite so provincial as he was as to claim that they should necessarily be appointed from Bombay!

In the Budget also we have a figure given as about 4 crores for the purchase of the Kalka Railway. I am not desirous of saying anything against that, but I merely like to say that I am not much enamoured of spending any money that we have on buying up existing concerns which are already doing their work. For my part, I would rather see the money spent on new projects in the country.

I was particularly pleased with the remarks of Diwan Bahadur Rangachariar on the question of inland waterways. The inland waterways of India have never received the attention that they deserve, (Hear, hear) and I think if the House will from time to time give vent to any views it may hold on that point, it will not be lost either on the Government or on any of the Standing Committees.

In conclusion, Sir, I should like to say just a very short word about Sir Charles Innes' departure. I trust that he may not find himself anywhere near a village pump.

Diwan Bahadur T Rangachariar We will keep him here, let him take up waterways.

Mr W. S. J. Willson but that India may continue to reap the benefit of the great and unselfish services which he has always so liberally placed at her disposal. (Applause)

Mr Jamnadas M Mehta (Bombay Northern Division Non-Muhammadan Rural) Sir, as you have rightly hinted, this is an occasion for a financial review of the railway administration and I propose to confine my few observations to that question alone. Along with the rest of the Honourable Members I also feel gratified at the prosperous condition of the Railways and I am willing to give credit wherever credit is due. Honourable Members will wait till they hear whom it is that I am willing to give credit to—the factors that have contributed to this prosperous condition of our Railways. Before doing so, I may say that the Railway Finance Committee has been working with the best goodwill and co-operation with the Financial Commissioner, if the Railway Board was more independent than it is to-day, if it was not still in the leading strings of the Secretary of State it would be more able to respond to the Standing Finance Committee on Railways on the various questions that come up for discussion before the Finance Committee.

I may say one thing about the form of the Budget. It has improved, it is more handy, but I think even the Railway Board need not economise so much as to make the budget figures almost unreadable, a little more money might be spent on printing the figures in somewhat larger type than has been done.

Another suggestion that I would make is that members of the Standing Railway Finance Committee might be allowed, if they so choose, also to be members of the Local Advisory Committees of the railway administrations at whose headquarters they may be residing, very often questions come up before the Central Advisory Council about railways of the provinces in which the members are residing, and yet in order to be able to throw some light on that subject they must go to members who are members of the local Railway Advisory Committee before they can be of any use, and as this Finance Committee is the central body, it would become a more useful body if Government and the various Agents would accede to the suggestion which I am making. It will really increase the usefulness of these Railway Advisory Committees in the provinces.

Now, Sir, I must go quickly through the various financial questions, there is one omission in the Budget, in that it does not contain the general accounts of stores, nor the general accounts of manufacture which used to be a feature of previous Budgets. With the budget books of the various railway administrations we have got the store account separately, the general summing up of the stores position and of the manufacturing operations does not occur at the end of the main budget book, as used to be a feature, at any rate, last year.

Much good, Sir, has been done, much has been attempted, and, as everybody now acknowledges, it is due to the two Committees, Sir William Acworth's Committee and Lord Inchcape's Committee, followed up by the very wise action of this House in separating railway finance from general finances. The decentralisation powers given to Agents are in one sense necessary if you want to call upon them to show results. The Department of Statistics is I am sure creating a very healthy emulation among the various railway administrations to correct their own extravagances and eventually to contribute to the improved working of the railway administration. Many sources of waste and extravagance have been also stopped, for instance, the reduction of stores balances will, as my Honourable friend, Mr Chetty, rightly pointed out in 1922

amount of 11 lakhs of rupees. We find also that we have reduced the compensations paid to various consignees of goods on account of stricter control of watch and ward, the saving is about 64 lakhs in two years, although unfortunately it seems to me that Bengal is still more infested with railway thieves than any other province of India.

Then, Sir, another thing which has led to economy is that wasteful agreements with some of the railway companies have been terminated, and we are now losing less than we were losing before because of the existence of this contract, as for example, the Delhi-Umballa-Kalka Railway. The other is the dismantling of the Arakan light railway. Although the railway is being dismantled it is saving us an expenditure of Rs 28,000 a year, because its working was costing us 2 lakhs a year or way of loss. These factors have contributed to the better results and to that extent I say waste has been prevented and we are grateful for these factors which have led to economy. But there are other factors also which have led to the results on which everybody seems to be congratulating himself, which my friend Sir Clement Hindley calls a striking success, and which my Honourable friend Sir Charles Innes calls a signal success, and on which, as I say, everybody is in a mood of congratulation, but I still say that the present prosperous condition is not solely due to the efficient working of the separation of the railway and general finances, but to other factors. For one thing, it is no use comparing the figures of net profits which Lord Inchcape's Committee gave as Rs 805 lakhs, because since then we have added five hundred miles of railways, and you have to take into account the increased earnings from the increased mileage.

Well, Sir, the capital at charge which is shown to be to-day at Rs 580 crores is not the real capital at charge. We have in the past years paid, by way of railway annuities and sinking funds, capital to the extent of Rs 51 crores, and that is a concealed source of earnings. The other capital at charge is that we have given to the various companies and subsidised companies land as a free gift, worth Rs 250 lakhs, that also is silently earning, it is a concealed source of earning and further that would be. (Mr N M Joshi made an interruption which was inaudible), these add to the earnings of the railways. As Mr Parsons had pointed out—Mr Parsons who will replace my friend Mr Sim—I am sorry so soon as an officer proves to be an excellent officer, he is transferred to another department, that is not the right way of working the Railways, my Honourable friend Mr Sim should have consulted railway efficiency more than the claims of the Government of India. Coming back to the subject, Sir, I say the losses paid come to Rs 64 crores, and if the interest thereon, as worked out by my Honourable friend Mr Parsons, is added the total losses come to Rs 135 crores. This also the country has spent in making the Railways what they are to-day.

Then, Sir, capital has been always unduly relieved, and here I state categorically that I do not agree at all with what my friend Diwan Bahadur Rangachari has been saying. I say that all that he has said is entirely opposed to facts. Capital has been unduly relieved in various ways and the amount can never be calculated. These things—this concealed capital which comes at the barest calculation to somewhere near 200 crores—and the interest thereon alone will come to 11 crores a year which is our present income, so that the rest of the capital at charge, i.e., 607 crores, is not earning anything.

Diwan Bahadur T Rangachariar: That was not the point I took

Mr Jamnadas M. Mehta I am coming to your point I am merely incidentally mentioning this here It is the concealed capital that is earning I was asked "What else is earning" I am coming to it now The high rates and fares are earning, it is the discomfort of passengers, the "blood" money which we have taken on account of higher rates and fares the sweated labour of the railway employees, all these things are earning Again the rise in exchange has been earning Thanks to the Honourable the Finance Member, he gets us one rupee and makes us lose five rupees, but the Government finances appear prosperous If you take all these factors into account,—and there are many more, the cycle of good years which the country has got, the good monsoons that have contributed to the earnings—I say if you take into account all these factors, you are working altogether at a deficit, the Railway Board has still to show good results as a result of the separation of its finances from the general finances What it is to-day earning is neither the result of the separation of its finances from the general finances nor the result of the other good things, but it is the concealed capital, it is the high rates and fares, it is the discomfort of the third class passengers, the sweated labour, the rise in exchange and fall in prices, it is these things which are earning and the Railway Department has yet to show that they are making the best use of the separation of their finances from the General Budget The efficiency and good results of the separation of the Railway Budget have yet to be shown Therefore, I say, Sir I congratulate these factors on the good results I will congratulate the other factors when they begin to be operative

Sir, the figures of the current year are so accurate that they will deserve the commendation of my Honourable friend Mr Willson I think they are even better than he thought them to be The Budget shows that there is a decrease of Rs 35 lakhs in earnings but if Rs 37 lakhs were not paid to these undeserving railway officials the result of this year's working would be not 10 crores 45 lakhs, but 10 crores 82 lakhs which is better by Rs 2 lakhs than the budget figures

Then, Sir, I shall refer briefly to the working expenses During last year's Budget, my friend Mr Rama Aiyangar suggested that the figures of the working expenses of the Railways should be carefully examined That was done at great length in the Standing Finance Committee for Railways In this connection I want to pay a tribute to the great industry and application of Mr Rama Aiyangar for bringing the subject in that very pointed form, and as a result of the examination we found that, after all, the situation was not so dismal as he had pictured to himself, and that we were not working worse than we were working in 1913-14, but I hope the railway administration will not consider that sufficient We have still to go on making retrenchments on account of various factors which I am going to mention presently Sir, you find that schemes for open line works are made out in a hurry They are not properly estimated and funds are voted, then it is found that the estimates are not properly made, that the alignment was not properly done, and that the subject required overhauling, and, Sir, in this way, various schemes of betterment of open lines have been made which have caused delay and loss to such an extent that

one Agent of a Railway, the Agent of the Eastern Bengal Railway, was compelled to make a complaint to this effect, on page 29 of the Quinquennial Programme of that Railway, and he says

"But I am convinced that much delay and expense are incurred by bad lay-outs of yards which have been added to without method or real study of their functions as transportation machinery"

Sir, this is the strongest condemnation that could come from an Agent of a Railway about the haste with which these schemes are worked out, and it is borne out by the memoranda accompanying the Budget. In some cases after the funds are voted, some of the work has to be held up, with the result that loss accrues. If things were done more carefully the working expenses could be further reduced. Another thing that would lead to the reduction of the working expenses is this. We find that additional traffic is being worked at a very high operating ratio. When a railway is working for a number of years, its equipment is complete, the rails are laid, stations are built, the line is constructed, signals are made, in fact everything is completed, if years after the equipment is complete additional traffic comes, it ought to be handled by the addition of a few men and a few coaches and wagons. That cannot make the operating ratio at 50 per cent or 60 per cent. To-day the operating ratio of additional traffic works out between 50 to 60 per cent of the new earnings. The operating ratio of the additional traffic must be barely between 15 to 20 per cent, because nothing has to be done except to add a few men or a few wagons or coaches to deal with that additional traffic. Sir, this is another method by which your working expenses could be reduced if you will only pay proper attention to the operating ratio of additional traffic.

There is one more thing, Sir. I find a discrepancy between the figures about the contribution to the general revenues in the Budget presented by the Honourable the Railway Member and in the speech made by the Honourable Sir Clement Hindley. The Honourable Sir Clement Hindley says that the contribution from 1925-26 is 5 crores 30 lakhs, while the Budget says it is 5 crores 9 lakhs. You will find that on page 8 of the Budget there it is shown as 5 crores 9 lakhs, while the Honourable Sir Clement Hindley has said in his budget speech in the other House it is 5 crores 30 lakhs.

The Honourable Sir Charles Innes What year are you talking of?

Mr Jamnadas M Mehta I mean 1925-26

The Honourable Sir Charles Innes I said 5-32 crores

Mr Jamnadas M Mehta You have shown the figures as 5 crores 9 lakhs at page 8 of your Budget whereas Sir Clement Hindley said in the other House the other day that it is 5 crores and 30 or 32 lakhs. I say he is correct, and therefore, you will have to make a consequential change here, there is some confusion about the method of reckoning the contribution to general revenues, because it seems that the losses on strategic lines are deducted twice, and sometimes one-third of the additional surplus is not added as in the case of 5 crores 9 lakhs. I am not in favour of giving more to general revenues, but now that we are observing a convention, we must do proper accounting, and therefore unless my Honourable friend Sir Charles Innes tells me how his figures are correct, my figure should be accepted by Government.

Mr President The Honourable Member said that he had only one thing to say and that he would finish with that one thing.

Mr Jamnadas M Mehta If you will permit me, Sir, I shall take only two more minutes. I have to speak only on the reserves. Now, I do not agree that the reserves should be what they are and even more. Let

us compare the New South Wales Railways and see how our reserves stand. Their Commission had been appointed, which did not recommend any reserve, the moment you have paid the interest, sinking fund charges and for depreciation, all must go, says the New South Wales Commission, towards the reduction of the rates and fares. That is what the Commission of New South Wales, on which there were distinguished railway men, recommended, and I do not understand why India should make an exception in the case of reserves. We provide amply for interest and depreciation, we even go and place 7 crores at the disposal of Government towards general revenues, after that I do not understand what remains to be provided for.

So, this 12,15 lakhs is the clearest evidence that we are taking more from the traveller and the merchant than we ought to take, you should not take a single rupee more than you are justified in taking. Automatically it should lead to the reduction of rates and fares, the moment you have got something more when all these things are provided for. Therefore, I am wholly opposed to these bloated reserves, they only serve the purpose of giving Government a temptation to waste more, and I am afraid that sometimes they may even be diverted to non-railway purposes and to finance aggressive movements outside India. Therefore I am entirely opposed to this. So long as you keep this contribution to general revenues, you may keep one year's reserve against a bad harvest or a bad monsoon.

Diwan Bahadur T. Rangachariar. The Reserve Fund is a diminishing asset.

Mr Jamnadas M. Mehta. It is not a diminishing asset. That is my complaint that Diwan Bahadur Rangachariar has not paid proper attention to this Reserve.

Diwan Bahadur T. Rangachariar. I have

Mr Jamnadas M. Mehta. They are not a diminishing figure. They are an increasing figure. In 3 years they have come to 12,15 lakhs. Government have no business to take a rupee more from the people or the merchants than is absolutely necessary. I am sorry I have to wind up because of the time limit, but I do say that the high Reserves are a standing danger.

Mr K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevelly Non-Muhammadian Rural). So, I rise with mixed feelings of satisfaction and sorrow. My friend Mr Jamnadas Mehta has relieved me of much of my work. But I think I may mention that in this Budget the satisfaction that we feel is that somehow or other we have arrived at a decision to establish the convention under which we are now working. The whole credit must be given to the Honourable Sir Charles Innes for bringing that about with great patience and with great skill and labour. We feel the effect of it. But I am certainly sorry, Sir, that we were not able, as was proposed by some of us at that time, to see that the whole thing was put off for three years. However, we passed a Resolution saying that at the end of three years we should be able to revise the arrangement. Under these circumstances I do not feel that we should have put it off even for three years. The three years' working shows abundantly that we would have been wiser if we had come to a settlement as to the distribution amongst the several heads after taking the real working of Indian Railways into consideration after the experience of the

War After the War, till 1921-22, we were working at great sacrifice. We were not able to rehabilitate as we ought to have done. Prices fluctuated enormously, and actually we worked at a big deficit in 1921-22. The Retrenchment Committee came in 1922-23 and reported before the Budget of 1923-24. They worked under circumstances in which it would almost be absolutely impossible for any one to judge of the position. Here was the Railway Department pressing for all their rights and saying that all their expenditure was quite proper. There was the Retrenchment Committee which saw nothing but a big waste and extravagance. The Acworth Committee had reported on the methods in which the thing is to be worked, but the Retrenchment Committee had to weigh the position as it stood. In these circumstances, if they made a recommendation that 8½ crores would be the proper contribution to general revenues from the Railways, it was because they felt the position to be extraordinarily bad, and they could not then say what the real worth of the Indian Railways was. However, it would have been very well for them to have taken note of the fact that between the year 1913-14 and 1918-19 the contribution to the general revenues ranged from 7 crores to 19 crores. If they had taken note of that they would not be stopped with telling the railway authorities that 8½ crores was the least they would expect to be the contribution from the Railways to the general revenues. I brought out this point at the beginning of this separation question, and I insisted, Sir, that 8 crores should be the least that we should get. Now I find the Honourable Sir Charles Innes and Sir Clement Hindley claiming credit for having by a touch of the magic wand of theirs come to the position the Inchcape Committee recommended the very next year after they left the shores of India. They now claim credit for having spared 8½ crores in 1923-24 itself while the Inchcape Committee only plodded on for 4 crores. That argument has so much infused itself into the mind of the Department that they do not know where they are, and they are telling us that since it is shown to have resulted in large profits, we need not go on economising. My friend Mr Jamnadas Mehta suggested a thousand and one reasons for those profits being got from Railways. I am satisfied with that, though he was a party to the Resolution which was passed by the Standing Finance Committee that my questions may be shelved—and I did not agree with him at that time—he has agreed with me now practically. There is much work to be done yet in connection with this economy. I may at once say that I must apologise to this Assembly and to the Members of the Railway Finance Committee and to the Honourable Mr Sim in particular that I was not able to be present at the last sitting of the Railway Finance Committee on the 18th to 20th January when the whole of the revenue Budget was passed. I was a party to almost every other expenditure under capital heads and new construction, and I can assure the Honourable Members of this Assembly that we have taken such care as was necessary in sanctioning the items that were put forward. So far as the revenue Budget is concerned as I said, I owe an apology that I was not able to be present. However that does not detract from my duty in placing before this House the real position. Before going into that I will take the two positions taken by the Honourable Sir Charles Innes in his speech. He says that we must build up our reserves in order to place the Railways in an impregnable financial position. That is one of the considerations that should weigh with us in order to build up reserves further. I do not understand what is the "impregnable financial position" that he talks

of In fact, there is no weak financial position with the Indian Railways. We have put the capital at charge at 670 crores to-day only for convenience. They are worth at least two thousand crores, and we take only 1 per cent of the capital at charge, 670 crores, with some profits. What is the financial position he is going to build? I dare say that if he will think over it he will find that this is absolutely a myth that he is talking about. I will also add, Sir, that this debit of the capital at charge, we are not leaving unconsidered in the General Budget. We take a certain amount of money from this Budget to the General Budget, and in the General Budget the Honourable the Finance Member has taken the method of amortisation of debts within a certain number of profitable investments and by other rates for investments which do not yield, so that we set aside about 4 crores for payment of debts and this 670 crores is taken into consideration as a portion which is to be wiped off after 80 years. In these circumstances, where is the need for my friend the Honourable the Commerce Member to worry himself unnecessarily about making the financial position impregnable? There is no meaning in that statement.

The second statement that he makes is that if we do build up reserves considerably, we would be able to embark upon development lines as opposed to paying lines. Being a commercial concern, once we pay the contribution to the general revenues, the idea of development must be out of our mind. The Finance Member will take charge of that. The provinces, if they want to develop, will certainly pay for the loss. That is the proper way to work it. If you mix up your duty or if you confuse yourself, you will be nowhere. Therefore I submit that it is absolutely unnecessary to build up more reserve than is necessary to meet one year's deficit towards the contribution to general revenues. My Honourable friend Mr Cocke asks me why we should not think of two bad years. That is absolutely unnecessary after we have started this Depreciation Fund. Whatever be the badness of the year, it is not likely that you would lose, you may not get any profit. But that has not been the history of India during the last 53 years.

Mr A M Hayman (Railway Board Nominated Official) That was the history of 1887 and 1888.

Mr K Rama Aiyangar In fact, my Honourable friend Mr Hayman is referring to a period when we had not developed our Railways properly and the famines in those years were of dimensions which are unknown now, and I think it is unnecessary to count upon such a contingency. We have now established a Depreciation Fund which has already got a balance of Rs 9 crores in the course of three years. There is also the Reserve Fund and you are not going to allow the Reserve Fund to remain in the state in which it is now and it must grow. Apparently my Honourable friend Diwan Bahadur Rangachariar thinks that the Reserve is going to diminish because he finds Rs 270 lakhs as reserve to be taken next year while this year it is three crores and odd and in the previous year it was more than that. The total of reserves is Rs 12 crores on the Budget, but in 1926-27 you will have actually more than 4 crores. Apart from that, there is no fear at all that we are going to decrease the reserve but you ought not to unduly build it and there is no reason to put one pie more into it. I therefore submit, Sir, that both the positions taken by the Honourable Sir Charles Innes will not stand scrutiny.

Coming to the Budget itself, I find that neither the Department nor Mr. Sin or the Honourable Member in charge has taken the trouble to scrutinise the revised Budget properly. That has been the sin of this Assembly and I have been pressing it ever since I joined this House. The revised Budget is not based on the actuals of the previous year. But they go on the original budget figures and then say that there is some reduction. They do not explain why the original Budget itself was much more by many crores over the previous year's actuals. That is the point they miss and I mentioned it also in connection with the Military Budget that they do not think of the previous year's actuals while budgetting for the revised estimates of the next year. If they do they will not commit the mistake that they are so glaringly committing now. My examination of the figures shows that in the revised estimates for the working expenses they have at least—I used the expression “at least” advisedly because I can withstand any attack on that position—they have at least put Rs 1 89 crores above the actual expenditure they will incur at the end of this year because they have committed the mistake of proceeding upon the budget estimate without taking into consideration the actuals of the last year. During the last year the total income from Railways comes to more than Rs 102 crores. The actual budget expenditure inclusive of the military lines is Rs 62 90 but excluding the military lines it is only Rs 60 92 crores. To that you must add for the commercial lines the gain that we have got of Rs 1 41 crores from customs duty that has been remitted to us. Therefore, the figure for the working expenses of commercial lines last year comes to only Rs 62 33 crores. But what do you find? You put in here in the original Budget Rs 65 crores. You now put in Rs 63 87 crores which is 1 13 crores less than the budget figure. You have first committed the mistake of basing yourself not on the actuals of 1923-24 but on the revised estimates of 1924-25 where you have now gone down by Rs 1 54 crores. That Rs 1 54 crores is simply tagged on to the revised Budget of 1925-26 and the figure for 1926-27 is not taken on the actuals of the previous year or the likely actuals but on the revised estimates of this year, that is, of 1925-26. You add another 1 32 crores, making it Rs 65 19 crores and it is absolutely impossible for the Department to spend this amount. Next year they will again show Rs 2 crores less on the revised estimates, and with the actuals another 1 crore or Rs 2 crores and odd are budgetted more or less wrongly and added on to the figures only later on to show as profits made in the actuals. They have not followed the actual expenditure during the first 11 months. If they had followed that they would not budget like that. I say this for this reason because if you examine each Budget as I have done you will find that they only take the previous budget figure and reduce some amount for provision of automatic couplings and some amount on open line works. Taking off the two items they put the rest of it in one lump sum while they know that the administration report of 1924-25 says that they have actually saved by economic working in operation expenses about Rs 1 crore.

Mr. President The Honourable Member must now bring his remarks to a close.

Mr. K. Rama Aiyangar May I have only another two minutes? Besides the reduction made in automatic couplings and the open line works the rest of it all is put down in one lump sum and no notice is taken of actual reduction by economic working. Again they should also take

note of actual control of coal expenditure and if they only take up the previous year's actuals that would enable them to come down by more than Rs 1½ crores. I know that Mr Sim is the only gentleman who has been worrying himself to economise and I have no doubt that while he is fighting with us here he has to fight inside with the Agents and the other Railway Board Members and I am sure that except where it is a question of new lines or open line construction he is not at all very much helped in the methods of economy that he has been pursuing. That is my belief but whatever it may be, if only they can induce the various Departments to start inquiries as to the economies that can be made in each line we should be able to have a good deal more saving. In administration alone it appears we have to reduce and economise mainly on the four Railways, the Bengal Nagpur Railway, the Bombay, Baroda and Central India Railway, the East Indian Railway and the Great Indian Peninsula Railway. In reply to a question that I put I have been told that the Bengal Nagpur Railway and the Great Indian Peninsula Railway have taken up that question and the other Railways have apparently not. I beg to submit that there is much work that has yet to be done. It is not time to congratulate ourselves on the economies that have been made. It has not progressed very much though it has done so to a certain extent owing to the tremendous exertions of Mr Sim. But much more has to be done. I therefore submit that we have to be watchful and careful in protecting the interests of the country and that the third class passengers should at once be relieved to the fullest extent possible with which I will deal later on.

Mr B Venkatapatiraju (*Ganjam cum Vizagapatam Non-Muhammadan Rural*) Sir, the Honourable Sir Charles Innes presented this Budget and as there is no likelihood of his presenting another Railway Budget and as he has striven hard during the last 4 or 5 years to bring about some order out of the chaotic railway administration I do not grudge our Honourable friends from all quarters showering congratulations on him. For my part I shall only deal with the disputed policy underlying the Indian railway administration. The question before us is whether we are satisfied with the fundamental policy of our railway administration. As suggested by my Honourable friend Mr Willson, he wants that the Railway should be run on a commercial basis. Practically that is how it is being run for some years and the Honourable Sir Charles Innes also advocates the same view. But that is not the Indian view at all. The Indian view is that there should be an economic administration. Nobody wants a pie more to be spent unnecessarily and what we want is economic administration. What they want is that the Railways which are helped from the funds of the central revenues, which are extracted from the general tax-payer, must serve the national needs. Therefore, the question which we have to decide, if not to-day, some other day, is, whether these Railways should be run purely on commercial lines to yield profits or whether they should be worked for national service? Even the Acworth Committee admitted that Indians have no voice in the management of their Railways. I ask if Indians have any voice in the management of the railways even now. I do not think Sir Charles Innes would claim that he is all-knowing, or that his right hand man Sir Clement Hindley, is infallible in all matters or that Mr Sim is perfect in all his financial problems. Is there any one in the higher circles to present the Indian view point? Mr Sim rightly points out to Mr Jamnadas Mehta

and Mr Rama Aiyangar who are the champions of the popular cause. Even they, when they get up to-day, with bated breath criticise the administration because opposition will be blunted by closer association with officials. It is stated that the Honourable Sir Charles Innes was able to save 40 crores during his administration of the last four or five years. May I ask, Sir, whether it has rained from the heavens? Is it not after giving allowance for extra traffic that you have raised by increasing the freights and fares twice in 1920-21 and again in 1922-23, to the extent of 120 crores that you have shown 40 crores for depreciation and for reserve and for contribution to general revenues? Now, I ask, Sir, whether it is not all due to the extra charge that you have made on the general taxpayer for transport purposes. You cannot escape it. You yourself have admitted that you have increased the passenger fares by 52 per cent and the goods freight by about 32 per cent. Now, I ask how long do you propose to keep up these high rates? In all other industrial or commercial concerns wherever there was high cost either in the purchase of materials or in the payment of wages, they have tried to reduce the expenditure just as they have done in the Bombay textile industry. Have you adopted that course? No. You say you cannot help increasing the wages of your highly paid officials, as recommended by the Lee Commission, and therefore you have provided for 37 lakhs for them and you have to increase the wages of all other persons. But I ask, is there no way of economising the administration? For the last 30 years up to the War we have been spending only 50 per cent of working expenses out of the gross earnings. Since then our expenses have gone up to 60 per cent and in the case of certain railways they have gone up to 70 per cent. There are, of course, two or three railways which are still working under 50 per cent. Now, I ask, is not the ideal to be aimed at in railway administration that the expenditure should be limited to 50 per cent of gross earnings, if not to-day, in time to come? Is there no possibility of reducing the freights and fares? You say that beyond 300 or 100 miles there would be some relief to third class passengers. My friends have already told you that you are practically giving them no relief at all, for on the average these passengers travel less than 50 miles.

Now Sir, I may mention one or two other points in order to show how much negligence there is and that people are not properly taken to task on that account. On the Bengal Nagpur Railway alone it was shown that there was 50 per cent of wastage of lubricating oil. May I know how did this reduction happen all of a sudden? There must have been a leakage somewhere which means pilfering. Has anybody been taken to task for it? How was it that there was 50 per cent wastage allowed before that date which you have reported in the year 1924-25? There must be some negligence on the part of somebody. Similarly, with reference to coal consumption in Madras. You have very well pointed out in the report that there was a reduction because leakage was found. In these matters you have to point out where the leakage was and you must punish the persons who are responsible for it. It has also been pointed out that you have shown some improvement in the reduction of claims for damages of consigned goods, bringing down 120 crores to the reduced figure of 50 crores. May I ask, who is responsible for these exorbitant damages paid in previous years? Who is responsible for this loss? You have shown improvement, for which we are thankful, but is it not theft committed with the connivance of some person or persons for which you allowed so much money to be

paid? It is true that you have been able to point out to day, but is it not due to negligence on the part of some persons who have hitherto been allowing it? You are satisfied with 50 lakhs to day. This shows that there is more vigilance, which means you are paying more attention. But who is responsible for not paying more attention hitherto? Everything is under your control. It cannot be said that the Railway Board either under the original conditions or under the present conditions is not in a position to check the evil. However, I do not propose to take up much time. I just want to say one word. I suggest that the Honourable Sir Charles should be placed on special duty when he returns in April to find out and put down corruption everywhere from one end to the other. You have got to go about with your eyes open without any prejudice whatever to put down corruption and bring the delinquents to book. If you take the people into your confidence you will find that by working for six months you will be able to save 10 crores more both in revenue and in expenditure. There is too much corruption which everybody who is acquainted with it knows. But everybody says "How can you put an end to it?" I say let Sir Charles take some Indian with him in order to understand the actual working of the various systems in all directions and you will find that there is wastage and leakage which is awful. Until you do it you cannot expect to enlist sympathy with your administration and have the satisfaction that you are doing your level best. You are putting down leakages here and there. We are thankful for it, but you have not done it thoroughly. There is still more room and more scope to put down corruption.

With regard to purchases ordinarily manufacturers pay 10 per cent commission. Whether it is paid into the Government account or not I do not know, nor do I know whether the Railway Board have ever considered that question as to whether manufacturers' commission was ever entered in Government's account. You have to take all these things into serious consideration if you mean business.

As for Indianization

Mr President The Honourable Member has exceeded his time

Mr B Venkatapatraju I think it is not all fun dealing all along the line. You must go into the very depth of it. You will find that there is corruption rampant, and if you are acquainted with the people who are concerned with it they will tell you where the leakage is. So long as you sit aloof and do not want to go into that question, you will never know. Now I appeal to the Railway Board to look very carefully into the matter of preventing wastage of expenditure and conserving their several revenues.

Sir P. S. Sivaswamy Aiyer (Madras Nominated Non-Official) Sir, as this is the last Railway Budget presented to this House by Sir Charles Innes, I should like to add my voice to the chorus of congratulations offered to him. My satisfaction is enhanced by the fact that he hails from my province, and it is not diminished by the consciousness that after many years of fruitless appeal to the Government of India, Southern India has come by her own and has at last succeeded in getting several of her railway projects pushed through, for which she has been agitating for the last twenty years and more.

My friend Sir Charles Innes, is entitled to look back with pride upon his achievements during the last five years. He has undoubtedly succeeded

in placing the management of Railways on a satisfactory financial basis. I am however sorry that he exaggerated the credit to be given to the second Assembly, though he himself recognised that it was only at the end that this Assembly agreed to the separation of the railway and general finances. If it was not brought about during the lifetime of the first Assembly, it was no fault of that Assembly. If it had been so brought forward, we should not have shied at the proposal in the way that the second Assembly did and we should have passed the measure much sooner.

The result of this separation of the railway from the general finances has been entirely to the good, in fact so much so, that one wonders why this obvious course had not been resorted to long before. The result of this policy has been to give new confidence to the various railway administrations to enable them to go forward with projects for the extension and improvement of transportation facilities. Existing railways have been rehabilitated, new lines are being pushed through and an era of vigorous development has commenced. All this is matter for legitimate gratification. When the question of the assumption of management of Railways by the State was under consideration there were people who doubted whether the management of Railways by the State would be beneficial to the country in general. Even now I am not sure whether there are not people who still entertain a preference for company management. They may feel that State management will have a tendency to run the administration on non-commercial lines. The usual democratic tendency is to press the Government to run Railways as a charitable organisation. It will be conceded by everyone that so far no such tendency has asserted itself in this Assembly. On the other hand the management has been left to be conducted on principles of enlightened business administration, those in charge recognising that the best interests of a commercial concern like Railways are in the main identical with the true interests of the people at large and the tax-payers.

I am glad to find that Sir Clement Hindley is a man of large vision. He is not content with the small rate of progress we have been making with regard to the construction of new lines. He pictures to himself a time when we shall annually be constructing something like a thousand miles by way of additions to the existing mileage. I hope he will consistently and strenuously strive towards that end. In the matter of railway policy, there are fanatics of two sorts, those who wish to spend all the money they can spare on the improvement and maintenance of the existing lines, and the other, the fanatics who are always pressing for the construction of new lines and extensions. I belong to neither of these schools and I think that the Railway Board have held the balance fairly between the demands of extension and new construction, and the demands of efficient maintenance of the existing lines.

I was very pleased to find that the Railway Board had given instructions to all the railway administrations to carry on the work of surveying the areas within their spheres of operations and exploring the possibilities of opening up new tracts of country. Compared with any other civilised country in the world, I believe that the total mileage of railways that India possesses will be found to be very poor with reference to her area and population and what is required is a vigorous policy of extension of railway communication wherever it is needed and is likely to prove remunerative.

among the various possible lines worthy of consideration, to which attention is drawn in Sir Clement Hindley's speech in the other place, I do not find a reference to certain tracts which I should like to mention here. For instance, in the Madras Presidency there is the big zemindary of Jeypore with its rich mineral and agricultural resources. The zemindary is over 12,000 square miles in area. The Agency Tracts of our Vizagapatam and Ganjam Districts and the Province of Orissa generally are in a very undeveloped condition, and I hope that they will receive the attention of the Railway Board. I should like also to suggest the extension of the west coast line from Mangalore to Marmagao. Turning to other parts of the map of India, I find that there is a railway proposed from Hindu Bagh to Fort Sandeman. I should like it to be continued up to Dera Ismail Khan instead of stopping short at Fort Sandeman. It is only another hundred miles and a considerable traffic may be expected from Persia and Quetta to the Punjab. Sir, we have been told by Sir Charles Innes and Sir Clement Hindley that the powers of sanction possessed by the Government of India have recently been increased. It would be interesting to us to know by how much these powers have been increased. I hope that in his reply Sir Charles Innes will give us information on the point.

(At this stage Mr President vacated the Chair which was taken by the Deputy President, Diwan Bahadur T. Rangachariar.)

I should like to suggest to Sir Clement Hindley that his ambition should not be restricted merely to pushing on the extension of railways or improving the efficiency of the existing system. There are other points to which he should devote his attention.

I find from the present budget figures that the amount of capital allotted for expenditure in England is 25.8 crores, converting the sterling into rupees, not at 2 shillings to the rupee, as is done in the Memorandum, but at the present rates of exchange, and the amount of capital allotted for expenditure in India is 19 crores. I hope, Sir Clement Hindley will systematically endeavour to reduce further and further the proportion of expenditure in England and to increase the amount of expenditure in India. One important object which he should seek to achieve is the encouragement of the manufacture of locomotives and coaches in this country either by giving facilities to private enterprise to establish itself here, or by undertaking it departmentally or by some other method. It should be the ambition of the Railway Board to make India as self-contained as may be practicable in the near future.

Mr Deputy President: If the Honourable Member is proceeding to any other point, I may inform him that his time is up.

Sir P. S. Sivaswamy Aiyer: There are only one or two other observations that I have to make. With regard to the types of coaches various suggestions were made by us during the last winter Session in Delhi. I hope that the various suggestions which were made at the time will all be kept in view and that, in ordering new coaches, the improvements suggested will all be carried out.

There is one other matter, Sir, which gives me great gratification and that is the paragraph about the arrangements for the health of the railway staff. I hope that in every important railway centre which employs a large number of hands it will be the object of the railway administration to form a regular railway colony and to lay it out on approved principles of town

planning so that it may be a model to the neighbouring town. In Southern India we have a model colony provided for and being carried out by the South Indian Railway Company at Tichimopoly. I hope the railway administrations, which are the largest employers of labour, will make it their aim to house their staff in railway colonies planned and built on thoroughly sanitary and up-to-date lines.

Mr Deputy President I think the Honourable Member must conclude his remarks.

Mr N M Joshi (Nominated Labour Interests) Sir, I do not wish to add much to the volume of praise showered upon the Honourable the Commerce Member, but as one who has criticized his policy, especially as regards the treatment of railway employees, it is due to him that I should say that as the bureaucratic head of the Indian Railways, he has done his duty, if I may say so, very well indeed. Sir, the Indian Railways for the past two or three years have been prosperous, and I should like the House to remember that this prosperity synchronises with the adoption of the policy of the State management of Railways. For many years our Railways, in which the Indian tax-payer has invested a very large amount of capital were managed by private companies, with the result that the whole country suffered a great deal. Fortunately, that policy has been given up and we now have decided to manage the Railways, which are owned by the tax-payers of India, through our own agency. But, Sir, although the bureaucratic management of the State Railways has succeeded so far, let me assure the House that if we substitute democratic management of the Railways the success will be much greater. (Hear, hear)

I think, Sir, the Honourable Member for Commerce and Industry gave great credit for the prosperity to the separation of railway finances from general finances, and to the reorganisation of the department. I need not deal with this subject as my Honourable friend from Bombay, Mr Jamnadas Mehta, has dealt with this subject very thoroughly. But I feel that this prosperity is due, not to the separation, although I am in favour of separation, but to the increased rates of fares and freights, as well as to the exploitation of the railway employees. Sir, if I have supported the policy of separation, I have done this because I felt that separation would enable this House to have greater control over the finances of the Indian Railways. To-day's discussion, as well as the discussion that will follow for the next four days, will show that our control, at least to some extent over the Indian State Railways has increased, and I hope, Sir, that the Government and this House will take steps to increase that control year by year.

Sir, I do not wish to go into the figures of this budget as my Honourable friend Mr Rama Aivangar has already dealt with that aspect of the subject. Sir, I should like only to say this, that I would like the Honourable the Commerce Member and the Railway Standing Finance Committee to improve the form of the Budget much more, and also to include in this Budget much more detailed information than is given at present. In this Budget, which deals with 100 crores, only few details are given. Take the details as regards the officers employed on the State Railways. It is only those appointments which carry a salary of a thousand rupees and more that are shown in the Budget. I think, Sir, every appointment of an

officer should be shown in the Budget. It is not impossible. If the Honourable the Commerce Member will study the Budget that will be presented by the Honourable the Finance Member he will find that there is a good example set to him in this respect. Then, Sir, even as regards the subordinate staff our information, the information given is much more meagre. You cannot find how many guards or how many drivers or how many station masters are employed on the Railways. Their grades of salary are not shown. I do not know why it is impossible for the Department to show all these details. The Department receives the Budget from the Railways with all these details and it should not be difficult for the Department to place these details before the House. I do not say that this House need go into all the details when they criticise the Budget or discuss the Budget, but I am quite sure if the House is provided with the necessary information it will be in a position to discuss the Budget much better. Sir, I do not wish to point out all the details that are necessary to be given, but I suggest to the Railway Board that they should make better statistics and better information available to the Members of this House. For instance, I was interested to find out how much money was provided by the Government of India for constructing more first, second and third class carriages, but the figure is given in a lump sum. I do not say the Railway Board has avoided showing these figures intentionally, but it is true that these figures are not given separately anywhere in this Budget.

(At this stage the Deputy President vacated the Chair which was resumed by Mr President.)

Then, Sir, I may say that I wanted to look into the number of carriages, passenger coaches, which our railway system possesses. I find the total number but again I do not find the number given according to the class. I know, Sir, that the number of seats according to each class is given in the Report published for this year, but I wanted to find out the average number of seats in each carriage of the first, second and third class. But, unfortunately, I was unable to do so. I do not suggest here that the Railway Board has adopted this new system of statistics purposely but I suggest to them that it is necessary that we should know the number of carriages of each class at present owned by the Railway Board.

Sir, I do not propose to go into the question of saloons, but I would like to make one remark on the lines of the remarks which my Honourable friend Sir Sivaswamy Aiyer made. We have developed a large system of railways but our Government have failed totally to develop railway industries in this country. It is unbelievable that when we have run a large system of railways for a number of years we cannot produce sufficient locomotives for our railways and sufficient wagons for our railways. I do not understand, Sir, why Government should have neglected this aspect of the question. If they had paid sufficient attention they could certainly have produced all the locomotives and all the wagons necessary for our railways. We are actually producing wagons and locomotives at Ajmer and if they can produce locomotives and carriages at Ajmer they can certainly produce these articles in the other workshops of the Railways in India. But, Sir, they have totally failed to do so.

I would like to say, Sir, only one word as regards the Indianisation of these Railways. When the Lee Commission's Report was discussed it was stated that the proposals made in that Report were composite proposals

enough for the third class passengers. But I am afraid I can only make that excuse which some Honourable Members do not seem inclined to accept, namely, that we look upon this matter purely as a business matter. We found that on our present rates and fares we were losing first and second class passengers. Not only that, we were losing earnings. We were not making money because our rates were higher than the traffic could bear. That is the only reason why we have reduced first and second class fares. It is purely a matter of business that we have reduced the first and second class fares. As regards third class passengers, as I said in my speech, purely on the economic and commercial ground there is not so much reason for the reduction of the third class fares. But of the 124 lakhs that we are spending on the reduction of passenger fares, nearly a crore will be spent on the reduction of third class fares.

Now, I come to Mr Cocke

Khan Bahadur W M Hussanally (Sind Muhammadan Rural) What about the Karachi-Cawnpore Railway of which Mr Harchandrai Vishindas spoke?

The Honourable Sir Charles Innes Mr Harchandrai Vishindas also said that the Budget was a bad budget because we had not made any provision for the line between Karachi and Cawnpore. Mr Vishindas knows perfectly well that when I went down to Karachi last October I discussed that very question not only with the European Chamber of Commerce there but also with two Indian Chambers of Commerce with which the Honourable Member is connected. I explained very fully the reasons why, greatly to our regret in the Railway Board, we were unable at present to take up that project. We have had part of it surveyed quite recently—a large part—and we found that the project was not likely to bring us in more than about 1 per cent upon the capital charge, and it is quite impossible for us at the present time to take up a new line which is only likely to bring in about 1 per cent on the capital charge. If the Honourable Member wishes us to take up lines of that kind, he must agree with our policy that we must go on building up reserves. When we are in a better financial position with larger reserves, we may be able to take the risk of building unremunerative lines. But I cannot hold out to the Honourable Member any hope that in the near future, at any rate, we will be able to construct the Karachi-Cawnpore railway simply because we cannot see that it is likely to pay us.

Mr Harchandrai Vishindas That is a miscalculation.

The Honourable Sir Charles Innes Let me pass on to my Honourable friend Mr Cocke. He suggested that as a means of expediting the execution of our capital programme, we should go in more for the employment of private contractors.

As I said in my speech, we are experimenting in that way. The Southern India Railway is experimenting with private contractors in regard to bridge work. We hope to experiment to some extent in the same way with regard to the Bally Bridge, and Honourable Members may perhaps have seen that quite recently Mr McLean has been advertising for private contractors to take up work in regard to the Bhowreghat reversing station. There are many difficulties in connection with that system, but we are giving it a real trial.

Mr Cocke also asked what about company railways who before the expiry of their contract are asked to take up new construction. He pointed out that they have to pay interest on capital out of revenue but they had no hope of getting any return on that capital expenditure if on the expiry of the contract the line is taken over by Government. He asked whether any special arrangement was made with reference to that point. The answer to the Honourable Member is that in most of our contracts with these private companies there is a clause which governs that particular matter, and it says that that matter should be a matter of special arrangement in each case. Finally, Mr Cocke complained that we had given no information about compensation claims. The Honourable Member will find the information he wants in Demand No. 5 and he will find in Demand No. 5 that we have reduced our payments on account of compensation to 40 lakhs and we hope to reduce it further in the coming year. It is only a few years ago that our compensation claims amounted to over 120 lakhs, and now we have got them down to 40 lakhs which is a great improvement.

On that particular point may I say that several speeches of Honourable Members have shown me that they have not displayed that sedulous industry to which I referred in my opening speech. Mr Joshi complained that he had no information about the number of carriages and wagons we had on each railway. The information is there for all to see in Volume II of the Administration Report, page 68, I think it is. Then Mr Acharya complained that he did not know where we had given information when the different classes of stores required on the railways for different items of work were procured. The information is all contained on pages 164 and 165 of the second volume of the Administration Report. (An Honourable Member: "Are these reports supplied to Members?") They are in the Library. Then Mr Chetty complained that he had no information about average wagon loads. That information is contained in Volume II of the Administration Report. I think the fact that in that Administration Report we have already the very information which three Honourable Members applied for shows that we are getting our statistics better and we are beginning more to understand the exact sort of information that Honourable Members want.

I should like to express my appreciation of a great deal of what Mr Chetty said. Mr Chetty criticised the convention, he criticised it on the ground that general revenues should not take so much out of the Railways. He went on to say that he hoped that the time would come when general revenues would be able to dispense with any contribution from the Railways. I do not know whether my Honourable friend on the right would accept that suggestion, either now or in the future. It depends entirely on your general financial situation and what is best in the interests of the country. At any rate there is a great deal to be said, as Mr Chetty put it, for merely requiring Railways to balance their Budget, to pay their interest charges, to build up reserves and to devote whatever else they can make to reduction of fares and improvement in the services.

Mr Rangaswami Iyengar asked me to confess on the floor of the House that I was wrong in what I said in 1923 about State management. Mr Willson has already made the point that I was going to make. What I said in 1923 about State management was not said with the intention of attributing to the Indian Legislature a double dose of original sin. I was merely laying down propositions which have been proved by experience.

in most countries which have State management that where you have democratic assemblies and State management of railways your railways are apt to go to ruin unless you separate off your railway from your general finance, and unless you hand over your railways more or less to a commission and merely lay certain obligations upon them. Here we have made one advance towards complete separation. We have separated the railway revenues from general revenues and I should like to say that so far I think the result of that policy has been very successful.

A great many remarks have been made about the Rates Tribunal. I will not go into the functions of the Tribunal here because there are motions for reduction which will refer to that very point. But I wish to associate myself with what Mr K. Ahmed said on Mr Kasturbhai Lalbhai's suggestion that the President of the Rates Tribunal should be a business man and a Bombay business man at that. The Rates Tribunal, I would like to make perfectly clear, is not designed to secure reductions of rates in the interests of business men. Certainly it would be if a business man was appointed as President. On the railway side among the many advantages that we hope to get from that Rates Tribunal are that we hope to be able to shatter many illusions about our rates. A great many people feel and think that our rates are designed for the benefit of our foreign trade. It is thought that we give better rates for imports from abroad than for local produce. We are perfectly prepared to have our rates investigated by a perfectly independent body of that kind in order that people in India may see that there is not one iota of truth in a charge of that kind. But there are many reasons why we want this Tribunal. Mr Willson need not be afraid. Our intention is to have exactly the kind of composition suggested by the Acworth Committee, namely, a lawyer of standing as President, a commercial man and a railway man.

Now with regard to the speech made by Mr Jamnadas Mehta, he complained of excessive control by the Secretary of State. In this connection I am reminded that Sir Sivaswamy Aiyer asked me to what extent our powers had recently been increased by the Secretary of State. I have not got the whole information here, but I can give him some information on that point. In regard to new lines the Secretary of State in Council has increased our powers from 12½ lakhs to 1½ crores, and from 20 lakhs to 1½ crores in regard to open lines. The House will agree that that is a liberal measure of decentralisation to us and I hope it will lead to more expedition in the carrying out of our capital programme.

Mr Jamnadas Mehta then complained that the White Paper was too small. I shall certainly take note of that point and I hope to rectify it next year. I shall also make it my business to communicate to Agents of railway administrations the suggestion that members of the Railway Finance Committee should be appointed *ex-officio* members of Local Advisory Committees for the particular railway with which they are concerned.

Mr Jamnadas Mehta made a complaint that we had omitted to give the figures for stores. That is not quite correct because he will find those figures in the pink books.

Mr Jamnadas M. Mehta But separately?

The Honourable Sir Charles Innes, There are so many points that the Honourable Member made that it would take too long if I went into them all, but I would like to take up one or two of these points. He

made great play of the waste in the lay-out of station yards. Surely the Honourable Member must know that that is all ancient history. I am quite prepared to agree that these station yards, such as the Delhi station yard, grew up more or less haphazard, they grew up haphazard because the Agents never knew how much money they could get. Whatever money they got they spent on making a small improvement here and a small improvement there instead of planning out their station yards years ahead. One of the benefits we shall get from the separation will enable us to correct errors of that kind. He also said that additional revenue ought to be earned much more cheaply than it is now. Just let me read one paragraph from last year's Administration Report

"The net result of the year's working, therefore, was better than that of the previous year by Rs 5.35 lakhs which is chiefly due to the very large increase of Rs 6.67 lakhs in gross earnings of the railways as compared with an increase of only Rs 76 lakhs in working expenses."

I think the Honourable Member will see that sometimes we earn our additional revenue very cheaply indeed.

It has also been suggested by several Honourable Members that the prosperity of our railways in the last few years was not due to separation, was not due to the Acworth Committee's report, or due to the Inchcape Committee's Report, but merely due to the Commerce Member having put on an entirely excessive increase in rates and fares. Well, Sir, the Commerce Member, in putting on this very excessive increase of rates and fares, at any rate was acting on fairly good authority. Let me read to the House an extract from the Acworth Committee's Report

"Indian railway rates and fares have always been among the lowest if not the lowest in the world."

—I think they are the lowest—

They have only been advanced in the last few years very slightly as compared with the rest of the world. A general and substantial increase is overdue. Witnesses from all parts of India have agreed in recognising that rates and fares should be increased, and saying that they will be ready to pay the increases, provided a reasonably efficient service is given in return.

Mr Jamnadas M Mehta That is also ancient history.

The Honourable Sir Charles Innes That was what the Acworth Committee's Report said. It has also been said that we are working on a wrong policy. It is not a right thing to try and manage our railways on business lines, we should work them on what I might call a humanistic basis. I think Sir Sivaswamy Aiyer gave the right answer to that particular suggestion. What we feel is that, if we can work our railways on commercial lines, we shall keep in view what are after all the two main things to keep in view, namely, efficiency and economy, and that if we can keep efficiency and economy in the forefront of our aims that is the way in which we shall do our best for the Indian consumer that is, the railway passenger, that is the way in which we shall be able to offer him better services and to reduce rates.

Now, Sir, the hour is late and I will not attempt to answer any of the other points raised. Mr Rangaswami Iyengar challenged me just now to repeat what I said about the debt we owe to the second Assembly in regard to the separation of railway from general finance. I have no hesitation in doing so. Indeed I have been now in this Assembly for a number

of years, this is my sixth budget Session. It seems strange, though I should say so, that I am the only Member on these Government Benches that has sat on these Benches since the day this Assembly was first opened by the Duke of Connaught in February 1921. (Applause), and I can say quite honestly and sincerely that in all the work of a commercial and economic and railway kind which I have had to put before the Assembly, whether the first Assembly or the second Assembly, I have always met with the greatest co-operation. I have had many Bills of a difficult kind to put before them. I can remember the Workmen's Compensation Bill, the Mines Bill, the Boiler Bill, the Cotton Transport Bill, the Steel Bill, and many others, and I do wish to say that I do feel that I have always received from the Assembly the greatest assistance and co-operation. (Applause)

Tuesday, 23rd February, 1926

THE RAILWAY BUDGET—LIST OF DEMANDS

SECOND STAGE

Expenditure from Revenue

DEMAND NO. 1—RAILWAY BOARD

Mr Jamnadas M Mehta (Bombay Northern Division Non-Muhammad-an Rural) Sir, I beg to move that the Demand under the head "Railway Board" be omitted.

The Honourable Sir Charles Innes Railway Board?

Mr Jamnadas M Mehta Yes, did you mean anything else?

Sir, the Honourable the Railway Member in presenting his Budget observed that because the Railway Budget had been threshed out in the Railway Finance Committee, he expected it would have an easy passage in this House.

The Honourable Sir Charles Innes I said I hoped

Mr Jamnadas M Mehta And that if he was attacked he would find his cause championed by these Benches. Well, Sir, my Honourable friend Mr Sim will bear me out that before the discussion on the Budget in the Standing Finance Committee began, I had definitely told him that the total omission of this Railway Board Demand stood outside anything that we were considering. Sir, I am not therefore bound by any expectations which the Honourable the Railway Member might have formed. Apart from this I make no apology for moving this amendment. The Railway Member says he expects our assistance, but really he does not care for it. He is more anxious to rely on arbitrary and barbarous procedures than on the goodwill and co-operation of this House, he has, so far as the current year's Budget is concerned, relied less on the opinion and the considered judgment of this House and more on the power of restoration of the Governor General in Council. What is this restoration? The restoration, Sir, is only brute force disguised in a civil garb.

The Honourable Sir Charles Innes Why do you make us use it?

Mr Jamnadas M Mehta It is nothing but an instrument of tyranny with a civil garment Behind this restoration is the British bayonet and the British bomb (*An Honourable Member* 'British bomb?') Yes, and aeroplanes You have done so in the past Behind this section 67A of the Government of India Act is an instrument of tyranny Section 67A is supposed to be for the "discharge of the responsibilities" of the Governor General in Council This is the civil garb, behind it are violence and tyranny as unmistakable as any that were shown during the war by the warring nations against each other The Honourable the Railway Member has shown that he relies on what all civilised countries regard as obsolete and arbitrary powers more than on the goodwill and co-operation of this House For these two reasons, Sir, namely, first because I have made a special reservation and secondly because the Honourable the Commerce Member does not need our co-operation, and does not care for our co-operation, I think I am relieved of any obligation to consider this Demand on the merits

Sir, the Railway Board is an utterly unconstitutional, irresponsible and arbitrary body It is not appointed by this House, it does not owe any responsibility to us for anything that it does It is willing to get advice from this House and it will carry it out so long as that advice is in agreement with its preconceived notions But the moment the House expresses a different point of view, the Railway Board ceases to care for us I shall state what happened on two occasions The House will remember that we made a cut of Rs 10 lakhs in the staff quarters in the current year's Budget and we made a cut of another Rs 37 lakhs for Lee Commission concessions to the Company worked Railways The Honourable the Railway Member and the Railway Board have sought the assistance of the Governor General in Council to get both these cuts restored How? Under the powers conferred by section 67A of the Government of India Act, under this section the Governor General in Council can restore cuts if he thinks that course necessary for the discharge of his responsibilities Now, Sir, let us see what is this responsibility Would Railways have collapsed if these Rs 10 lakhs for staff quarters were not restored? Would not the Bombay, Baroda and Central India Railway have gone on working if these Rs 10 lakhs on staff quarters were not restored? This was an amount for building palatial buildings for Agents and officers For instance, a palatial building was built for Sir Ernest Jackson, the Agent of the Bombay, Baroda and Central India Railway This Agent has got a salary, I think, of more than Rs 4,000

Mr G G Sim (Financial Commissioner, Railways) No

Mr Jamnadas M Mehta Perhaps something less say Rs 3,500 Further he is to be given a bungalow which will cost Rs 3 lakhs to build, that is, it will cost an annual interest of Rs 16 000 or Rs 18 000 That works out to a rate of Rs 1,200 or Rs 1,500 monthly as house rent to Sir Ernest Jackson, and many other similarly situated gentlemen If these were not given, would the Railways have collapsed? Would the Governor General not have been able to discharge his responsibility? I ask, Sir, was this cut an occasion on which the powers reserved for the discharge of the responsibilities of the Governor General in Council should have been used? Is this the Government's reading and interpretation of that section? The real meaning the honest meaning of "the discharge of the responsibilities" of the Governor General in Council is that a particular institution will refuse to function, will fail to function, or cannot function unless the Governor General in Council restores a grant Look at what they have done in the Central Provinces Government themselves recognize this principle in Bengal and

the Central Provinces After the Demands for Minister's salaries there were thrown out, the reserved part of the Government has been carrying on without a Minister, because they pretend that they must respect the vote of the Council Educational institutions may go to the dogs, other institutions may not function, but they have not resorted to restoration in these provinces I do not say that they should I am merely pointing out that they have not there restored grants which are even more vital than palatial bungalows for Sir Ernest Jackson and his prototypes in the various railway companies Therefore, I say that in recommending the exercise of the power of restoration in the matter of this grant of Rs 10 lakhs, the Railway Board has acted in a manner which is most arbitrary and most unconstitutional, because, although it comes within the letter of section 67A, it is entirely opposed to the spirit of that section

The same may be said about the restoration of the Leo Commission grants Only the other day we had a debate on that question and the Honourable the Railway Member replied to my arguments in a manner which showed clearly that he had not read the report of the Acworth Committee or that he had conveniently forgotten it The Acworth Committee clearly lays it down that you shall have your services organised on a commercial basis The Railway Member replied saying that that could not be done I refer him to the remarks of the Acworth Committee These are two of the many instances in which the Railway Board has acted arbitrarily and unconstitutionally For such flagrant disregard of the opinion of this House, for having acted in an unconstitutional manner, I think that the least that this House can do is to throw out this grant unceremoniously to teach a lesson, which seems much needed, to the Members of the Railway Board and to the Railway Member himself

There are other considerations besides these One is that we share no responsibility in the appointment of Members to this Board

Mr. B Das (Orissa Division Non-Muhammadan) They are certainly more powerful than the Government

Mr Jamnadas M. Mehta Not a single Member of the Board can be appointed by us, and whatever we do, the Railway Board can negative or nullify as it wishes It is a Board which is utterly irresponsible to us, and therefore, we owe no obligations to vote for this grant until it becomes an instrument which the House can wield, which the people and not a coterie of a few Englishmen and Britishers can run as they like That, Sir, is another important argument why this House should not vote the demand for the Railway Board

Then, Sir, I showed yesterday, that the Railway Board had not worked these Railways in a businesslike manner I showed that not more than Rs 200 crores of capital spent by the people were working at a profit, I showed that the remaining 580 crores or nearly 600 crores which the taxpayer had invested in the Railways did not earn anything except interest and working charges There is no profit on the 600 crores invested by the people of this country Such is the extravagance, such is the wastefulness of this Board that 600 crores invested by the people of this country did not earn anything except working expenses and interest The Railway Member in his reply very conveniently ignored that point simply because he had no answer, he cannot possibly have an answer, the Railways have only relatively improved since the last three years, but absolutely they are still working at a loss earning no dividend for the share-holders

The Honourable Sir Basil Blackett (Finance Member) No

Mr Jamnadas M Mehta It is so It is no use denying that 600 crores are earning nothing to day in spite of the tall talk of the railway administration having become a striking success I challenge the Railway Board to disprove this fact It lies abundantly proved on their own facts and figures, on their own papers, and I repeat for the benefit of the Honourable the Railway Member and the Railway Board that Rs 600 crores of capital is not earning anything to day except its interest and working expenses

The Honourable Sir Basil Blackett No

Mr B Das What about the concealed capital?

Mr Jamnadas M Mehta Yes I have said already that Rs 200 crores of concealed capital only make Rs 11 crores and the rest makes nothing except working expenses and interest charges Therefore, if for nothing else, those Members of this House who feel inclined towards economy who want to insist that this railway capital must earn something, must throw out this grant and protest against the extravagant and wasteful character of the administration, which alone can explain this failure of Rs 600 crores of capital to earn any return

The Honourable Sir Basil Blackett It has not failed

Mr Jamnadas M Mehta It has failed If you will not look at it I cannot help it None so blind as those who will not see (*The Honourable Sir Basil Blackett* "Hear, hear") And if you do not see I am powerless Then, Sir

Mr President Cannot the Honourable Member leave the other points to be dealt with by other speakers?

Mr Jamnadas M Mehta Is there any time limit?

Mr President Apart from the question of the time limit it is desirable that the debate should be controlled and repetition avoided If the Honourable Member goes into details of all points there is danger of repetition by other Members who follow him

Mr Jamnadas M Mehta If you will give me five minutes more I will finish I will come to another defiance and flouting of this Assembly's opinion which has been perpetrated by this Department as regards the Rates Tribunal which this House dealt with at length It has been stated in this House that the Railway Central Advisory Council was consulted and that it was with their consent that this Rates Advisory Committee was being instituted I am here to say that that statement is incorrect

The Honourable Sir Charles Innes Was the Honourable Member a member of the Central Advisory Council at the time?

Mr Jamnadas M Mehta Yes I am going to say

The Honourable Sir Charles Innes I must contradict that statement absolutely

Mr Jamnadas M Mehta I will show from your own books that you are incorrect You say that in 1923 it was decided Here is your own statement in the Administration Report of the Railways for 1924-25 in

which in paragraph 21 it is stated that the question of a Rates Tribunal was considered at length but that no final decision was arrived at

The Honourable Sir Charles Innes Final We left one point undecided

Mr Jamnadas M Mehta I say that on the 24th March, 1925, there was a meeting of the Railway Advisory Council on the agenda paper of which item No 3 was the Rates Tribunal and I say that I was on the Railway Advisory Council on that day We refused to accept a Rates Advisory Committee on that day and I say that it is a misstatement, a misleading statement

The Honourable Sir Charles Innes The Railway Advisory Council refused to accept it on one point only and that was on the point whether the question whether the rates are reasonable in themselves should be one of the functions of the Rates Advisory Committee

Mr Jamnadas M Mehta We refused to accept the position as the Commerce Member outlined and he promised that he would make a reference to the Secretary of State and then come again

The Honourable Sir Charles Innes On that particular point

Mr Jamnadas M Mehta And he has never come again

The Honourable Sir Charles Innes Yes, we have

Mr Jamnadas M Mehta No Will you kindly mention when you did it? I say that we adjourned the consideration of the question on the 24th March, 1925, and you are referring to a sanction of the Central Advisory Council in July 1923, I say this is utterly misleading, if not an absolute misstatement It has come to us as a shock of a surprise, that while the Acworth Committee wanted a full fledged statutory body you have without the final consent of or final reference to the Central Advisory Council decided upon a measure in total defiance of the views of this House which were so clearly expressed in the budget debate this time last year (*Mr B Das* "Shame")

I will close my remarks with one observation On the question of Indianisation, in spite of repeated promises you have not appointed an Indian on the Railway Board although last year you were reminded of the obligation by a cut that was carried in this House You will give me figures, but these figures are manipulated They do not tell the whole truth and half truths are more untruthful than the most flagrant falsehoods And these figures of yours do not tell the real tale of the exclusion of the people of this country You may have increased the number of Indians earning small salaries of about Rs 250 You may have increased the number of Indians who are getting from Rs 300 to 400 a month, but our complaint is that in the top places you have erected an iron wall against Indians How many Ernest Jacksons are there? I want a Chetty in place of Charles and a Jinnah in place of Jackson, if not a Jamnadas in place of Jackson (Laughter) And I say this that so long as Charles is not replaced by a Chaman Lall and James is not replaced by a Jinnah or Jamnadas, so long as Indians are excluded from Agentships from the Railway Board, your Indianisation is not genuine—you have I understand repeatedly superseded the claims of Indians who in the ordinary course would have been appointed (*Mr B Das* "Shame.") There are cases in

which Indians have resigned because you have superseded them in high appointments. Therefore, I say—I do not quote figures—but I am making this point that you are not carrying out your promises in the spirit in which they ought to be. Your sives are not half a dozens. That is the way in which you interpret your promises. Therefore, I say until you make good your promises by appointing an Indian in the highest places of the Railway Administration, we shall not be satisfied, do not say that there are no Indians fit for it. Nobody believes it, nobody will believe it. We have an Indian proverb that the Negress always thinks that her own child is the most beautiful and it is the habit of this pampered jade of Asia, the Indian Civil Service, to say that outside its own separate and charmed circle no qualification, no fitness exists, until you kill this superstition, until you kill your own self-deception—and it is nothing else—you will continue to perpetrate this injustice and you will continue to deserve the negative vote of this House.

The Honourable Sir Charles Innes Sir, this debate in rather an inverted way reminds me of a famous remark made by Mr Bipin Chandra Pal in his speech last year. Mr Pal, I remember, traced for the benefit of the House the progress of the politician in India. I am not quite sure how it began, but I think it was this way—it began with condolences or confinement—at any rate the politician ended up with congratulations. Now, Sir, in this debate I have begun with congratulations and from the tone of the remarks that have been made this morning I very much fear that I may end with condolences or at any rate cuts. Mr Mehta apologised for his moving this motion this morning.

Mr Jamnadas M Mehta I did not apologise.

The Honourable Sir Charles Innes I think, Sir, he had some reason to do so, but I may say that we were quite aware that he did reserve his right to move the rejection of the Railway Board Demand at a very early stage in the Standing Finance Committee's deliberations. In fact, Sir, if for a moment I may be allowed to lift the veil of secrecy which hangs over those proceedings, I understand that what happened was something like this. Mr Mehta announced his intention to do this, and wished to bring up this question of the Railway Board in the Standing Finance Committee, Mr Sim in his most terrifying manner said "You may reserve that political stuff for the Assembly," which Mr Mehta has now done. Sir, I have so much admiration for the Honourable Member's talents on the business side that I must confess that I do regret his misusing his great talents in the way he has done this morning by dragging in these political considerations. He says his first complaint against us was that we had used these obsolete powers to restore grants refused by the Assembly. Sir, I only wish—I am sure I speak for everybody on this side of the House—that the powers were obsolete, and what is the best way of rendering those powers obsolete? Not

for the most part for houses that were already being built Sir, when at the bidding of my Honourable friend Mr Mehta himself this Assembly takes action of that kind it does not lie in the mouth of this Assembly to complain that we exercise our reserved powers to set the matter right

Mr A Rangaswami Iyengar You did not do it in respect of the Security Printing Press, Sir

The Honourable Sir Charles Innes The Honourable Member made great play of the question of the Rates Tribunal I do not know why the Honourable Member wished to bring up that question on this particular occasion There are several motions, he himself has got a motion down on the paper about the Rates Advisory Committee, on which the matter could be fully discussed, but, Sir, he accused me of making a deliberate misstatement (*Mr Jamnadas M Mehta* "Not deliberate") Well, a misstatement, and I am not in the habit of allowing myself to be accused of making misstatements I propose to show that it was the Honourable Member who is making a misstatement Now, Sir, the first time this question of this Rates Tribunal came up in the Central Advisory Council was in July 1923 I will read the extracts of the minutes of the seventh meeting I will read the first part

"After discussion of the memorandum put up by the Railway Board it was agreed (1) that a Rates Tribunal should be constituted, and (2) that until sufficient experience is gained to enable the Railways Act to be amended, the Tribunal should be an investigating body only to deal with the subjects mentioned in paragraph 3 of the memorandum"

Then, Sir the question came up again (*Mr Jamnadas M Mehta* "That is all ancient history") I wish the Honourable Member would listen to me The matter came up again on the 8th March, 1925 Here I have the minutes of the meeting

"The next question taken up for discussion was the proposed Rates Tribunal Sir Charles Innes read the minutes of the meeting of the Central Advisory Council in July, 1923 bearing on the subject The memorandum now placed before the Central Advisory Council showed that certain Railways had taken objection to the proposal that the Rates Tribunal should be empowered to investigate the question whether rates were reasonable *per se*"

That question, whether rates were reasonable *per se* was No 2 in the list of proposed functions for the Rates Tribunal put up before the Central Advisory Council

"After considerable discussion, Sir Charles Innes moved the following Resolution that a Rates Tribunal be constituted with the limited functions proposed in the Railway Board's memorandum for a period of three years"

Mr Jamnadas Mehta moved the following amendment

"In view of the doubt whether the Rates Tribunal will really be useful if item 2 be excluded, further consideration of the subject should be postponed pending a further reference to the Secretary of State"

Now, Sir, that further reference was made, and we got the exact point set right, we got the question whether the rates are reasonable in themselves re inserted among the functions of the Tribunal, and that is why we went ahead The Honourable Member says that he has been taken by surprise Sir I do not know what he is talking about He said that last year the Assembly moved a cut which showed their views Let me read what

the Assembly said I explained perfectly clearly what the position was, and this is how the debate ended up

Mr R K Shanmukham Chetty Are we to understand, Sir, that the Government have come to the conclusion that even if a Rates Tribunal is to be appointed shortly, it will be merely an investigating body and not a Statutory tribunal as contemplated by the Acworth Committee?

The Honourable Sir Charles Innes I am not quite sure whether the Acworth Committee did contemplate a Statutory tribunal. But the idea of Government is to start in the first instance with an investigating body, not a Statutory body.

Mr A C Neogy Sir, in view of the statement made by the Honourable the Commerce Member, I do not propose to press this motion.

Now, Sir, I do not know if the Honourable Member can say that this decision has come to him as a surprise.

Mr Jamnadas M Mehta I think the Honourable Member should say what happened after the reference was advised by the Central Advisory Committee. Did he call for any meeting of the Committee?

The Honourable Sir Charles Innes No, Sir, because we thought we had carried out your idea. In any case, the Honourable Member has no right to say that he is taken by surprise now because after the explanation I gave last year the motion for the cut was withdrawn.

Mr. A Rangaswami Iyengar May I know, Sir, whether

Mr President The Honourable Member is not willing to give way.

The Honourable Sir Charles Innes The one thing for which I have some gratitude for my Honourable friend Mr Jamnadas Mehta is that he has dropped the old thread-bare argument of grievances before supplies.

Pandit Motilal Nehru (Cities of the United Provinces Non-Muhammadan Urban) It is coming up presently.

The Honourable Sir Charles Innes I take it that my Honourable friend is going to bring it up.

Pandit Motilal Nehru Yes.

The Honourable Sir Charles Innes. Then, Sir, I might possibly deal with it at once. I can imagine, Sir, in the fulness of time, when the battle for Swaraj has been lost or won, my Honourable friend Pandit Motilal Nehru being addressed by his son or perhaps by his grandson in the following words "Daddy, what did you do in the great War?" My Honourable friend Pandit Motilal Nehru will say, with pardonable pride, "I helped to throw out the Demand for the Railway Board." It will be a very startling announcement, and his son will say "What on earth did you do that for?" Then my Honourable friend, Pandit Motilal Nehru, will put forward the mystic formula "Grievances before supplies." It will need some explanation, and eventually the boy will say "Well done, how splendid! How did they get on without a Railway Board?" Then of course my Honourable friend Pandit Motilal Nehru will have to render a long explanation, he will have to admit quite frankly, that this device of bringing pressure to bear upon the executive did not exactly work under the constitution which we are now working, because the long-headed statesmen who devised that constitution made particular safeguards against that particular device and the Honourable Pandit will have to end up by saying "They got their Railway Board in spite of all, they had their Railway Board all the same." Then, Sir,

the small boy will again say "Why did you do it then?" Now, Sir, had my friend been a rough and stern Englishman like my friend here, the Leader of the House (Laughter), I beg his pardon, I forgot, I mean a warm-hearted Englishman like my friend, the Leader of the House—he would undoubtedly have beaten the small boy at this stage, because warm-hearted Englishmen do not approve of a long string of inconvenient questions. But, Sir, the Pandit, being the Pandit, will explain why he did it. But, as I have shown, it is incompatible with the present constitution. It is a device that does not work now. All that you can say for it now is that it is rather more a theatrical way of expressing displeasure than of making a formal cut. That is one side of the question. On the other side, you have to remember the fact, that if you carry this motion, which is No. 1 on the paper, there are 46 other motions for reducing Demand No. 1, and you will prevent the House from discussing those 46 motions.

Mr A Rangaswami Iyengar You cannot proceed that way. We will not be misled by that kind of thing.

The Honourable Sir Charles Innes That will be a certain amount of balm in Gilead for this side of the House, for we shall be spared the trouble of replying to those extremely numerous motions.

Mr Jamnadas M Mehta Then vote for it.

The Honourable Sir Charles Innes What I wish to put to the House is this. Is it in the public interest that you should express your displeasure of these autocratic and arbitrary gentlemen who sit behind me, the Railway Board, and myself in this way, or whether you should discuss these questions, some of which I am free to admit are questions of great public importance? That is a point which my Honourable friend Pandit Motilal Nehru will no doubt take into account.

Mr Jamnadas Mehta then went on to say that the Railway Board is irresponsible. Is that the fault of the Railway Board? It is the fault of the Governor General in Council, if there is any fault at all. It is not the fault of the Railway Board. And in any case, are you going to remove that irresponsibility by taking action of this kind? If that is the view of my Honourable friend Mr Jamnadas Mehta, I assure him that he is labouring under a very great mistake. If he takes this action he will not embarrass us one little bit, but, Sir, he will prejudice his own cause.

It will take too long for me, Sir, to go into the indictment of the Railway Board which has been made by Mr Hussanally, Mr Neogy and by one or two others. In particular, I do not propose to take up that question of the hidden hand—the hidden capital, to which Mr Jamnadas Mehta referred. I shall leave my Honourable friend Mr Sim to deal with that point. But, Sir, I should like to join issue at once with my Honourable friend Mr Neogy. His speech was the sort of speech which we are accustomed to receive from the Honourable Member on railway matters. He has always been a disbeliever in separation. Mr Neogy is one of those Honourable Members of this House who absolutely refuse to believe by the lessons of experience. He absolutely refuses to believe what is writ large in history. It is distinctly written in Sir William Acworth's own book that if a democratic Assembly does attempt to go beyond its legitimate functions and if it does attempt to interfere with and to control the details of what Mr Neogy called the complex matter of railway administration, there can only be one result, and that is, that politics will ruin your railways and railways will ruin your politics. That, Sir, has been the experience

of almost every democratic country which has gone in for State management of railways, and that is the reason why many a democratic country, which has gone in for State management of railways, has had to divest itself as far as it can of the control by even much more complete separation than we have adopted here

I think, Sir,* that Mr Neogy has taken an entirely wrong view of the functions of local Advisory Committees and the Central Advisory Council. We have not instituted local Advisory Committees or the Central Advisory Council in order to introduce a sort of Soviet Government in respect of railway administration. They essentially perform a limited function, the function of advising the Agents and the Government on certain matters and within those limits I say—and I think nobody would contradict me—that they are performing a most useful function

Now, Sir, I turn again to my friend Mr Jamnadas Mehta. Mr Jamnadas Mehta objected very strongly to the extension of the Lee Commission concessions to Company officers. Sir, I regret there has been a difference of opinion between the Government and the Assembly in this matter. But Mr Jamnadas Mehta has got to take it from me that after considering the Resolution or the amendment which was passed by the Assembly (which was lost by one vote) we came to the conclusion quite definitely that we could not fairly withhold from Company officers concessions which we had given to corresponding officers in State Railways

Mr Jamnadas M Mehta Two wrongs do not make one right

The Honourable Sir Charles Innes Mr Jamnadas Mehta says that our action was not consistent with the commercial management of our Railways. I deny that statement absolutely. No business man who gives proper thought to his business would willingly make a large body of his servants discontented in the manner desired by my Honourable friend. Let not Mr Jamnadas Mehta talk to me about the commercial management of the Railways with regard to the extension of the Lee concessions for in the very next breath he went on to demand that an Indian should be appointed to the Railway Board *qua* Indian

Mr Jamnadas M Mehta I said that there are fit Indians if you cast your eyes around

The Honourable Sir Charles Innes Mr Jamnadas Mehta's second reason why he asked this House to throw out this Demand entirely was that no Indian had been appointed to the Railway Board

Mr Jamnadas M Mehta Even though there are fit Indians

The Honourable Sir Charles Innes And, Sir, let me deal with that last point. I have first been accused that I did not carry out what I may call the appendix to the convention. I wish to clear myself of that charge absolutely and I wish to refer the House to what I said when that convention was passed. I said

'As regards the Railway Board we have already recruited Indians for the staff of the Railway Board, that is for the appointment of officers attached to the Railway Board, and I hope that we shall be able to continue this process. As regards the Members of the Railway Board I cannot bind myself to dates as it must take time before there are Indians of the requisite standing and experience in the Railway Department for appointments to the Railway Board''

Mr A Rangaswami Iyengar What about your colleague's pledge?

The Honourable Sir Charles Innes. It has been asked, "Is there no Indian in the whole of India who is fit for this appointment?" Sir, the mere making of that statement shows absolutely entire ignorance of the way in which appointments of this kind are filled up. I am quite prepared to admit that when we were considering this question, Sir Basil Blackett and I did not take into account the claims of, say, Mr Poehkhanawati, the Manager of the Central Bank of India, nor did we take into account the claims of that eminent financier Mr Jamnadas Mehta himself.

Mr Jamnadas M Mehta. I am no applicant, I can assure you.

The Honourable Sir Charles Innes. Appointments of this kind are filled from men in the service, either the Indian Civil Service, that service to which Mr Jamnadas Mehta paid so generous a tribute, or from the Accounts Service of the Finance Department. I do not suppose that the men in the running for an appointment like that are more than could be counted on the fingers of one hand. We had to choose between those men. Let me read the considered pronouncement of the Government delivered by the Honourable the Leader of the House in the Council of State on the 2nd March, 1925, and these, I want the House to observe, are the principles which we try to follow in the Railway Department and other Departments of the Government. He said:

"What is offered to the new recruit, whether Indian, European or of whatever race, is a career open to talent and, once admitted to the public service, his fortunes lie in his own hands. He must not rely for advancement on favour or favouritism but on his own industry, energy and capacity. Promotion must go by merit, and selections for posts requiring special qualifications must be determined by a strict regard for the necessary qualifications and the general public interest. As regards the existing members in the services I take this opportunity of making it clear that Indianization will not be by the door of supersession."

That, Sir, is the principle we follow. We have considered the claims of a few officers, and of these few officers we decided that the particular gentleman whose name Honourable Members know is the best man to succeed Mr Sim and we appointed him. Sir, I believe that in their heart of hearts they know that, if I had done anything else, I should have lost whatever respect this House may have for me. I believe the House would have recognised me to be a coward if I had passed over the best man for the House in order to surrender to political opinion in this House.

Mr A Rangaswami Iyengar. So many Indians rot

The Honourable Sir Charles Innes. It may be a point of honour with the House that they should have an Indian in the Railway Board. I can only reply that it is a point of principle with me that I am going to take the best man in the Railway Board, that is, from the services.

Mr Jamnadas M. Mehta. Indians are better than your best.

The Honourable Sir Charles Innes. I do not think that this House can really complain that we have not advanced in this respect in the last year. We have, as the House knows, under the Members of the Railway Board, 5 appointments of Directors. Those are the biggest appointments under the actual Members of the Railway Board. This time last year there were no Indians who were Directors in the Railway Board. At the present time we have two Directors, Mr Hayman and Mr Datta Gupta, one Director of

Finance and the other Director of Establishments I wish to make it perfectly clear that we appointed these two gentlemen to these two posts not because they were Indians but because we were perfectly satisfied that they were the best men available for those posts

Sir, Mr Jammadas Mehta said that all my figures in regard to Indianization were misleading They are not misleading If you take State Railways—I am leaving out of account the East Indian Railway and the Great Indian Peninsula Railway which we have just taken over—this is the reply to a question which was asked the other day as to why we did not introduce the Indianization policy recommended by the Lee Commission on the 1st of April, 1921 If you take the last five years, on these State Railways over 50 per cent of the vacancies have been filled by Indians and if you exclude departments such as the Loco Department and the Carriage and Wagon Department, where we have no facilities for training Indians in India at the present time, the proportion of Indians appointed to vacancies in these Railways amounts to 65 per cent Those are not the figures for last year or two Those are figures for the last five years I doubt whether there are many other departments that can claim a record of that kind I put it to the House that you cannot measure the progress of a policy of Indianization by six monthly periods You must give time for that policy to work itself Our vacancies every year only amount to 3 or 4 per cent of the cadre That shows the limitations within which we have to work We must give time for that policy to work itself This reminds me of the time when I was Collector of Malabar many years ago I was extremely fond of the district, and it was always my fear that my five years as Collector of Malabar would pass without my having done anything of permanent value to the district I remember, Sir, how I used to spend long hours in writing skilful letters to Government and trying to get money for a bridge here or a bridge there or whatever it might be But, Sir, progress seemed very slow But one day, in going through the records of my office, I came upon an old report by Sir Clements Markham As the House may know, he was the first man to introduce the cinchona tree into India from Peru That was in the fifties and some few years later he came on a pious pilgrimage to what he called the cinchona hills in the Malabar Wyanad and Nilgiri Wyanad areas and he wrote a report After fifty years I came across that report with a map attached to it and I looked back on the progress of that part of the district over a period of fifty years Flourishing townships existing in my time did not exist at all in his time, and I could see that we had built new roads and new bridges everywhere and I could see at a glance all that we had done for the district during that period And that seems to be the way in which we have got to look at this question of Indianisation I submit that it is perfectly useless every six months to come to me and ask “What are you doing here, what are you doing there?” I submit that you have got to take long views on a matter of this kind, and when the House does learn to take long views it will be found that we on the Railway Board have done our part in this matter I hope that the House will not accept this motion

Pandit Motilal Nehru Twelve months ago I had the honour to move a motion like the one which is now before the House I then went somewhat fully into the constitutional aspect of the question and gave reasons why in the circumstances in which we found ourselves it was not only our right but our plain duty to throw out the Demand under the head “Railway Board” I then relied upon the principle of “grievances

before supplies" which I am going to do again to-day in spite of the thunderbolts of my Honourable friend, Sir Charles Innes. Shortly put, our case was that the Railway Board had betrayed its trust, that it had committed what may aptly be described in the language of lawyers as acts of malfeasance and misfeasance in relation to the subject of the trust. A long list of grievances was put before the House, some by me and others by other speakers, and a strong case was made out both on the ground of irresponsibility of the Railway Board and in support of the principle which I relied upon. The motion was defeated. The Swaraj Party voted for it *en bloc* but the Government carried the day by the help of the other Members of this House. Now Sir, after twelve months the same question has again come up for the consideration of the House and I do hope that the point made by the Honourable Sir Charles Innes that the principle that I relied upon then did not and can not apply to the present motion will not mislead any Member of the House. I am at liberty to give such reasons for my contention as appeal to me. I am at liberty to ask the other Honourable Members of the House to agree with me. They are at liberty either to agree or to disagree with me and for their own reasons to throw out this Demand as it deserves to be from every point of view. While, therefore, I rely upon the principle, I do not ask the House or those who wish to vote for this motion for reasons of their own to commit themselves to the principle. On the last occasion the Honourable Sir Charles Innes rose to make his reply and began by citing Tennyson. I am happy that we have not been recited by any recitations this morning. He gave no answer to the formidable list of charges that was brought against the Railway Board. What he said was that it was a meaningless gesture. Why? Simply because it rested with the Governor General in Council to restore the grant under the Railway Board and the same consequences would follow as if we voted the Demand. Then he threatened me with the battle of Allahabad. He drew a graphic picture of His Excellency the Commander-in-Chief at the head of his battalions meeting the unarmed and disarmed Swarajists in the field of Allahabad and he said that unless I was prepared to give battle and to defeat the Commander-in-Chief it did not lie in my mouth to rely upon that principle, i.e., upon the principle of "grievances before supplies."

The Honourable Sir Charles Innes. May I just interrupt the Honourable Member. I said "His logical course would be for the Honourable Pandit to retire to Allahabad."

Pandit Motilal Nehru. And the Honourable Member has again pointed out the logical course.

Mr T. C. Goswami (Calcutta Suburbs Non Muhammadan Urban). Is that the corrected speech?

The Honourable Sir Charles Innes. What I said then.

Pandit Motilal Nehru. I was quite ready to meet all the forces of this mighty Empire and I am now quite ready to meet the forces of this mighty Empire which has grown mightier since. No such threats will deter me from doing my plain duty. As for the logical consequence I have pointed out more than once in this House that in a free country the logical consequence of such a motion would be different. But in this country, where you have got a mock Parliament, where you insist on our

following the procedure of real Parliaments, we can only bring our grievances under one or other of the well known heads of procedure. I went into this question at great length on the former occasion and I do not propose to tire the House by repeating any of those arguments. But as I have already said, while I stand firmly upon the principle, I do not ask the House to commit itself to it. You have to see what is the real nature of this motion, whether it deserves to be voted for or whether it deserves to be voted down. Whether you call it a strong protest or whether you call it the refusal of supplies before redress of grievances, it comes to the same thing.

Then, what was his other ground last year? I am reminding the House of those grounds because the Honourable Member has said nothing new this year. He said that the carrying of the motion would imply that there would be no discussion on the many important questions that had been raised by the other motions, as if any amount of discussion on the most important points in this House has any effect on the Government! What followed has shown the futility of discussion. The motion having been defeated there was discussion on the other points and the history of the last twelve months will show how the Honourable Member himself and the Government of which he is a distinguished Member benefited by that discussion and how India as a whole benefited by it.

Then, to day, Sir, we find that Sir Charles Innes takes a plunge into futurity. He peers into coming ages with a prophetic vision and imagines a conversation between myself and my son and my grandson. He says that the Railway Board would then be going on as it is now and that my grandson would ask "Why is it that you my grandfather raised this objection" and so on. If my friend will permit me to make a similar prophecy in regard to him, his son and his grandson, I can picture to my mind, a time when the Railway Board is entirely manned by Indians, and my friend's grandson asking him "My dear grandfather, why on earth did you oppose the motion which was based upon the appointment of Indians to the Railway Board? How did you possibly think you could resist the demand?" Well, Sir Charles Innes (I hope it will not be from an invalid's chair but standing upright) will say to his grandson "I did it because they adopted the wrong method. They did not adopt the right method. They did not do this, that and the other." The grandson would say "Well, never mind the method, why did you not do the right thing?" Well, the answer will probably be that he was not a free agent, that he was only one member of a Government that consisted of several others and that he hoped that his grandson would do better than he did.

Now, Sir, that would be the time when I hope also that instead of a rough Englishman as a Home Member, we will have a polished Indian in his place and things will be very different from what they are now. As for the method, as I have already said, I will not take up the time of the House at any length and will not repeat the arguments. They are all there in my former speech. I will simply say this, that you have to judge between Sir Charles Innes and my friend Mr. Jamnadas Mehta who has moved this motion on the strength of facts and arguments with which we all agree. Whatever principle they fall under, you have to see whether there is anything in the defence put up by Sir Charles Innes. Now, Sir, here we are at the end of twelve months. I will not go into the various items which form the subject of the other motions but I shall simply enumerate some of the more important ones. When we met last

to consider this Railway budget, no decision had been arrived at about the Lee Commission and yet a sum of 26 lakhs was included in the Budget in anticipation of that decision. It was then said that it was bound to come in the course of the year and therefore provision must be made. When it was pointed out that it was no use asking for the money until the decision had been arrived at, by a show of sweet reasonableness my friend consented and said "All right, we shall put up a Supplementary Demand when the occasion arises." A Supplementary Demand was put before us the other day. It was not for 26 lakhs but for 37 lakhs. It was refused by this House and we have now been informed by my Honourable friend that it has since been restored by the Governor General in Council. Now, that, as Mr Jamnadas has contended, is unconstitutional on the part of the Governor General. A distinction has been made between the powers of the Governor General in Council and those of the Governor General based upon the different provisions of the different sections. To my mind, there is no difference at all. It is simply a question of an appeal from Philip drunk to Philip sober. The Government is the same and the Governor General supplies the sober element in the rest of the Government. But it makes really no difference. It was unconstitutional because I say that no member of the Government can take it upon himself to say that the Governor General was unable to carry on his functions without the Lee Commission recommendation being given effect to. What did they expect? Did they expect that if the concession was not extended to the railway officials they would all resign in a body? And why should they resign? Are they not bound by the terms of their contracts of service? Were they not bound by those terms as anybody else is under a valid contract? It is one thing to say that they deserve increases if the concern in which they are employed is a prosperous one by way of bonuses and things of that kind, but when it comes to a sum being granted which has been refused by the Assembly, it can only be done if you make out a case that the Governor General in Council has come deliberately to the opinion that unless the amount which has been refused by the Assembly is restored by him he will not be able to carry on his functions. Then, there are the other things, Indianisation, the Rates Tribunal and the locomotives. A gentleman called Mr Chase was sent out to make investigations and report. That report has not yet seen the light of day and in the meanwhile what do we find? Orders for no less than 89 locomotives were placed in the hands of European firms. Then there is the Workshop Committee on which no Indian could be found fit enough to act. That certainly did not require an Indian of very great special experience. We simply want somebody representing us to be on the spot to see how things are being carried on. He need not necessarily be a railway expert and surely there are any number of Indians who can perform this function. All that has been done is a reduction in the fares and in coal freights. That, I submit, on the figures in the Budget itself is the most niggardly reduction that could possibly be made. There is certainly room for much greater reductions than have been made but we have to swell the reserves for what purpose, we do not know. In one breath it is said that the Railways are a commercial concern, and in the other breath what is claimed is that they must be fed by taxation and not by their own income. If the Railways are a commercial concern, by all means depend upon your income and increase your reserves, but do not increase the taxation which you levy in the form of freights and fares, and do not go on increasing it further from time to time.

However, Sir, I am not going into these grievances. It is enough for me to say that the Railway Board has not at all improved since last this motion was before this House. On the contrary it has persisted in its wasteful career as before. On the last occasion my friend Sir Charles Innes found a stout champion in my friend Mr Jinnah, who generally came to his aid and said, "Now we must not be so hard on him, it was only in September preceding that the convention was arrived at between the Government and this House, we must give him some time." What Mr Jinnah said was

"We, this Assembly, were a party to a convention between the Government and ourselves. That was only last September. Under that convention—I do not wish to read the terms because they must be fresh in the minds of Honourable Members—but under that convention we brought the railway administration under an altogether different category. The railway administration was intended under that convention to be commercialised, and we with the consent of the Government adopted that convention in which all the points which we now complain of were embodied, namely, Indianization, an Indian Member on the Railway Board, all these matters were discussed only as recently as September last."

And then he goes on to say

"I entirely agree that there are unnumberable grievances, in fact the grievances have accumulated, as Pandit Motilal Nehru himself pointed out, they have accumulated for more than a quarter of a century (*A Voice* 'For more than three quarters of a century'). Now, what is the good, Sir, of raking up that old history, bare as it is. Now, give the Honourable Sir Charles Innes or his successor a chance under this convention and then let us see, and then apply your spur (*A Voice* 'Mercilessly') as mercilessly as you can."

Now, Sir, I do hope that my friend Mr Jinnah, who is in the House, will now agree at the end of 12 months that my Honourable friend Sir Charles Innes and the Railway Board have had a very fair chance indeed (*An Honourable Member* "You had to give his successor a chance"). That is true. I was just going to congratulate my friend Sir Charles Innes that he himself is present here and not his successor. I never thought that Mr Jinnah meant that after Sir Charles Innes had served out his term and probably had obtained a few extensions of service which he so richly deserves (Laughter), then his successor would still have a chance of showing what he could do for us. I do hope that Mr Jinnah was not looking so far ahead. However, we have here a period of 12 months between that debate and this and here we know exactly what the Railway Board have done. We have on the one hand the same old grievances, the same old complaints, and on the other the same old explanations and the same old excuses. The time is ripe for applying the spur mercilessly. I submit that on whatever ground you put it it is now a question on which there can be no difference. There can be no justification for this House to vote for this grant, and I ask all Honourable Members, who wish to deal with the merits with fairness, to vote in favour of the motion. (Applause)

Mr B Venkatapatiraju (*Ganjam cum Vizagapatam Non-Muhammadan Rural*) Sir, if nothing has convinced Indian Members to vote for the motion moved by my friend Mr Mehta, the speech of Sir Charles Innes should have convinced them. I humbly ask him whether he could dare make such a speech either in South Africa or Australia or Canada and tell them there that he could not find a single South African, or Canadian or Australian fit to be appointed to a post on the Board and that he had to select men from other parts of the world. Would his position be worth an hour's purchase? Now I submit, Sir, as my leader has said last

year, the Railway Board and especially the Member for Commerce requires some spur, and as Pandit Motilal Nehru has pointed out, this is the fittest occasion for us to give him such a spur. What is the fault of the Railway Board which has compelled the moving of this motion? May I ask him what have they done with reference to stores purchase? Even though the Governor General in Council issued a circular to them that they should purchase indigenous articles and encourage the Indian Stores Agency by purchasing from them, may I ask them whether they have at all utilized the Indian Stores Agency in purchasing Indian articles? And they know why they have not done it. It is because they want to exercise the liberty of purchasing themselves. And with reference to Indianization what has been done? In the Railway Finance Separation Resolution which we passed there is a clear clause added to that Resolution to the effect that the railway services should be rapidly Indianized and that Indians should be appointed as Members of the Railway Board as early as possible, and that the purchase of stores of State Railways should be undertaken through the organization of the Stores Purchase Department of the Government of India. Can Sir Clement Hindley tell us whether he has utilized the Stores Agency for the purchase of stores at all, or why it is only for a few lakhs when he is spending several crores in purchasing elsewhere? Can he give us any explanation why he has done it? And in reference to Indianisation, have not they definitely promised, and has not His Excellency the Viceroy stated himself that he has accepted that principle? This is what His Excellency the Viceroy stated

"The Lee Commission had made recommendations on this question which were in accordance with the general policy of His Majesty's Government as expressed in the Preamble of the Government of India Act, and before the debate on railway finance in the Assembly the Government of India had decided to accept these recommendations, which have the effect of pressing forward as rapidly as possible the extension of existing facilities in order that the recruitment of Indians be advanced as soon as practicable up to 75 per cent of the total number of vacancies in the Railway Department as a whole."

Now Sir, you have given the Lee concessions from the 1st April, 1924. Can you tell us whether you have honestly fulfilled this obligation which you have entered into and which His Excellency the Viceroy has so publicly stated? Have you given 75 per cent of the vacancies to Indians in the matter of recruitment? Only the other day you came to us not only as regards the State Railways but the Company Railways as well, saying that you are prepared to accept the recommendations of the Lee Committee and give the officers of superior services the highest salaries and allowances from the 1st of April, 1924. And though we refused to grant it, His Excellency the Viceroy restored it. Now please refer to the recruitment made by several companies. Have they fulfilled the condition? Now, I ask, who is at fault in regard to these two matters? Are we to go to His Excellency or the Governor General in Council for these two matters? There are so many matters in which we can find fault, for instance, with reference to the Rates Tribunal. Did it ever occur to the Railway Member that he should reduce the status of the Rates Tribunal to the position of an advisory committee? He has gone back to the old Act of England, forgetting that there was a subsequent Act, wherein clear provision was made in 1921, which was followed by the Acworth Committee and the speeches made by the Railway Member and the Government always referred to it as the Rates Tribunal. The Rates Tribunal is not a mere Committee according to section 20 of the

Railway Act of 1921 but a court styled the Railway Rates Tribunal consisting of two or three prominent members in order to deal with the several functions mentioned therein. They want to treat it as a court in England, a country where the Railways are not their own, excepting a very few now purchased. On the other hand, in India most of the Railways belong to us and are paid for by the general tax-payer of India. Why should you not have a court which they thought it necessary to have in England and which you promised, which was recommended by the Acworth Committee? They never stated that there should be an Advisory Committee to give advice to Sir Clement Hindley which we may accept or reject. There must be a court and the provisions of the Act indicate what they have to do. They have to dispose of questions of rates disputes with reference to undue preference and various other matters mentioned therein, variation or cancellation of through rates, modification or cancellation of existing rates, variation of any toll payable by traders and all these things. Now, I ask, why should the Government go back upon it? Did they ever hint that they were not going to appoint a Tribunal? Till it was announced, we did not know that we were getting only an Advisory Committee. Sir Charles Innes stated in a reply that he would appoint a Committee. Is this what we have to expect, merely an Advisory Committee? I do not agree with my friend Mr. Kasturbhai that the President should be only a business man because in England and other places they wanted a lawyer to be at the head of the Tribunal, with a railway business man as a member and a commercial business man as a member, because after all a judge should be a lawyer, not Mr. Kasturbhai. Therefore my submission is that unless these three things, Indianisation, the appointment of an Indian to the Board and purchasing through the Indian Stores Agency are carried out to the extent to which the Government have already committed themselves every Indian Member should vote for the motion moved by my Honourable friend.

The Honourable Sir Alexander Muddiman (Home Member). Sir, it was not my intention to intervene in the debate this morning, but as the debate seemed to be proceeding on lines of prejudice by the importation of conversations with grandchildren, it is essential that one who has no grandchildren should address the House. I do not, I may say at once, propose to treat my Honourable friend the Pandit to any thunderbolts. I am afraid my stock of thunderbolts was exhausted last week, I have none to-day. But I do wish to put one or two plain points to this House which it might possibly think are worthy of consideration. My Honourable friend the Pandit took out summonses for malfeasance and misfeasance against Sir Charles Innes (Mr. M. V. Ibhyankar "And nuisance"). Sir, I do not understand that procedure on nuisance, it may be better known in

the House be under any delusion because Sir Charles Innes said that the Demand would be restored that the Demand will be restored There are other members of the Government of India besides my Honourable friend (Laughter) Sir, it would afflict me greatly if my friends on the Railway Board were all left without jobs I am sure the House, with its usual generosity, would see that they are adequately treated I cannot imagine that the House really desires to discharge all these worthy persons (*An Honourable Member*, "Find other jobs for them") Certainly, but you would not get Indianisation in that way The real point before the House is this Assuming that there are some grievances, I think most of us feel that much has been done for the Railways of India for which this House and the people of India ought to be grateful to my Honourable friend Sir Charles Innes He has done much to promote the working of that most important Department of Government On the other hand if there are grievances of a nature which require detailed debate, you are blocking that very debate by passing the motion that is before the House

On the constitutional question too, I should like to say a word I have said it before, it may be, and I may have to say it again—I trust not—for there are signs that this House is becoming so reasonable that it will be unnecessary The constitution as it stands at present contemplates two things, the grant of Demands by the Assembly and in certain circumstances restoration If you reject main grants of this kind involving the dislocation of large portions of the machinery of the administration—as you must always do by passing motions such as that before the House—you force the use of the power of restoration Now, Sir, that is not wise On the one hand the House becomes habituated to passing votes which it knows will not be carried out though in this particular instance it must not be too sure of that, on the other hand, it tends to make the executive Government somewhat callous in using the powers of restoration I greatly desire—and I beg the House will listen to me here—I greatly desire that the executive Government should not get into the habit of restoring grants I greatly desire that the House should not get into the habit of rejecting Demands which force the use of the power of restoration Now that is not a point I put forward in any light way I put that forward very seriously to the House If there are parties in this House who desire to work this constitution for what it is worth they must be with me on this It is by building up conventions of this kind that we shall progress The House must not reject grants in a wholesale fashion of a kind which would necessarily involve restoration or the executive Government will get into the habit of regarding restoration as a not very serious matter instead of only to be undertaken in grave circumstances If you force the use of this power by throwing out grants of a kind which you know must be restored and will be restored, then you force the executive Government also to approach it in a spirit in which I should not like to see the executive approach the position You are impairing the constitutional integrity of Government You are creating—I speak seriously—a feeling of levity as to the whole position You will not advance the cause you have at heart and you will lead the Government in the future to regard restoration as a normal thing That is wrong, utterly wrong This ought not to be done (*An Honourable Member*, "You do not take us seriously") We do take you seriously Do we not take you seriously? I am not now concerned here to speak for the Railway Department that is in the very safe hands of my Honourable friend Sir Charles

Innes (*An Honourable Member* "No, the Governor General in Council") I will illustrate what I mean from my own Department. I have in a recent instance been put in a position, which ought not to have been the case, by the vote of one Member of this House (*An Honourable Member* "What is that?") What is that? That is section 109, Sir. The vote of one Member of this House left me in a position in which I am not at all sure that any Member in charge of my Department ought to have allowed himself to be left. That was entirely due to my respect for the vote of this House, and it is not right to say that Government do not take the vote of this House very seriously.

Sir, I have entered into a somewhat longer discussion than I had intended, but I wish to bring the House back to this view of the matter, that if you throw out grants of this kind Government are forced to adopt one or two courses—either we must let the railway administration of the country go to the devil,—I should say let it go to pieces—or we must exercise the power which we ought not to be forced to exercise. I appeal at any rate to some sections of this House to reject this wrecking proposal and support the vote.

Mr M V Abhyankar (Nagpur Division Non-Muhammadan) Sir, with all his faults, the one person amongst those on the Government Benches whom I like is Sir Charles Innes, because he is a sundried bureaucrat from top to bottom and he has the habit of losing his temper (*The Honourable Sir Charles Innes* "Never") and blurting out truths, and that helps us a long way. Honourable Sir Charles Innes so nicely explained to-day to one of the sections in this House the Government of India Act, which we by so many public meetings failed to explain to it. He has told the House to remember that there are such safeguards in the Government of India Act, that whatever the House does the bureaucracy and the Government will have its own way. That is one thing that he has made plain, that is one thing he has made clear beyond doubt in this House and I think every Indian ought to be thankful to him for it. Did you not hear the speech of my friend, Mr Raju? What does he say to-day about throwing out the grants which he did not say last year?

The Honourable Sir Charles drew a picture of the leader of my Party and his son and grandson. Pandit Motilal Nehru in return drew a picture of the Honourable Sir Charles Innes and his son and grandson. I should like to draw Sir, with your permission another picture of the Honourable the Commerce Member's son and grandson, himself included. When we have attained Swaraj—and let me tell the Honourable the Commerce Member that people like him are helping us immensely to attain it earlier—when we attain Swaraj which will not be very long, and then when he will have his grandson on his knees, the child will say to him "Grandpa, what cowards you have been to disarm Indians and then to rule over them with all your military and arms." That will be the charge which the child will bring against him, and I am positive he will have no reply to it. I am positive that his son will turn round on him and say "What short-sighted policies you had been following in India." He will say, "I did not mind you having robbed India because that was our aim, but you robbed her so flagrantly, so enormously that the robbery could go on no longer." That is what he will say. That is what his son will say to him. My friend the Commerce Member will look very small then in the eyes of his son and even that little child—his grandson. I implore him

not to act in a fashion that will make him appear so small in the eyes of that little child

The Honourable the Commerce Member referred to this House as a democratic institution and said that the greatest fault of these democratic institutions was that if they tried to go into details, as they ought not to, the work was spoiled, and he then referred us, as they always do, to democratic institutions of countries in Europe and in other parts of the world and said that the Legislatures there never interfered with the Government in matters of detail. He forgot the fact that the analogy was false, was wrong, that it did not hold good here. We do not want to go into details. The one main principle that we want here is that the Government shall be responsible to us. You become responsible to us and from that moment we promise we shall not go into one detail of the whole business. Do you forget that fact? Why do you hide it? Why do you run off at a tangent like that and shirk the real issue between you and us? You become responsible to us and from that moment we shall cease to go into details. But remember, immediately you become responsible to us the moment you go against our desires, you will be chucked out of this House—that very moment the Government will be chucked out of this House as unceremoniously as it deserves. That is the position we want to come to, and that is the position we are aspiring to.

The Honourable the Commerce Member referred to the theatrical ways of expressing our displeasure, but the time will not be long when his ways of trying to hold us down will be farcical, absolutely farcical, and the time is coming for it, and he is helping us to bring that time nearer. The Honourable the Commerce Member said that these were questions of public importance and ought to be dealt with and treated as such. We know it, Sir, and it is we on this side of the House who want to deal with them as questions of public importance. It is the Honourable the Commerce Member who is dealing with them as questions of British importance, as questions of bureaucratic importance, as questions of autocratic importance. It is time he should cease doing so and mend his ways. Times out of number we have told him that, but I know he will not listen to it, and I am positive that he will never listen to it unless he is made to listen to it. We have been told, when we talked of Indianisation of the Railways, that Anglo-Indians and Europeans were by heredity fitted for them. Are they? Are there railway engines in their blood? Are there signals and stations in their blood, that it makes them by heredity fitter than Indians for the railway posts? What is it that they have in them? To day you turn round on us and say that Indianisation shall not be by supersession. But may I ask you, how has Britishisation and Anglo-Indianisation of the Railways taken place in this country? By what means has that been done? You say to us that Indianisation shall not be by the door of supersession. Well, has not the Britishisation of the Railways in this country been by the door of fraud? That is what you want. You do not understand what we feel, you say you will appoint the best men, that is a very good proposition in this country. Are not the Germans, so far as science is concerned, far better than you? Why do you not appoint them in your own country, in England? You want the best men, is it not? Yes. By best men you mean English people, by best men you mean British people. I do not admit it, mind you, but assuming that there are not the best

people amongst Indians, that there are not people among us who are capable of occupying the posts that we desire them to occupy, well, let incapable people occupy them. We want Indians first, Britishers afterwards. Do you not want Britishers first and everybody else afterwards in England? Do you not want that in Great Britain? Well, we want the same thing in our own country. We shall suffer, not you. If Railways are mismanaged, who will suffer? We shall suffer, not you. What does it matter to you if we suffer? Do you want us to believe even now that you are in this country for our good, for our benefit? That theory has exploded. You are here for your good at our cost. We know that your and our interests are divergent, our heredities are different, we also further know that our loss means necessarily your gain, and our gain means necessarily your loss. There is no denying that fact. One thing gained by us is the thing lost to you, and one thing gained by you is the thing lost to us. I want to deal with this matter straight, and I want this House to look at the whole question from the most logical standpoint. For God's sake, do not get into the mood of arguing your case before a judge. Swiraj in no country was gained by arguments. And remember that it will not be gained in this country by arguments. You think that you can argue your case well. You think that your case is the best, you think that your case is a just one and you think that because it is a just one, you will win it by arguments. No, you will not do anything of the kind. Don't they know that your case is just? I tell you that they do know it, but it is not in their interest to deal with you justly. And I know that they are behaving like human beings. I do not blame the Government for the way they are behaving. It is perhaps most natural for them to behave in the way in which they do. Unfortunately some amongst us, in spite of looking upon them as human beings which they are, look upon them as gods, which they are not, and which no human being is. That is where the whole trouble comes in. They have the power, and I know that no human being wants to get rid of that for mere justice. I know it. (*Lala Lajpat Rai* "That is the whole truth") One thing that we must get is power better than theirs and we can then put them down as they are putting us down now, and immediately we get that power, we will have to deal with them. That is the way to look at the whole thing.

Then, Sir, the Honourable the Commerce Member said that politics will ruin the Railways and the Railways will ruin politics. Well, Sir, we are not afraid of being ruined, we are not in the least afraid of it, because we have reached a stage, we have reached a limit, beyond which it is impossible for any human being to ruin us. You have done that for us. When you are talking of the Railways, you are talking perhaps of your saloons and of the first class fares which you pay us and by which we travel. We may travel in first class compartments, but, Sir, we travel like dogs, let me tell you plainly, it is nothing better than that. I see a waiter in the restaurant car, my own kith and kin, a *kala admi*, paying better attention to Europeans than to me. I pity that man. You have taught him all his life to look upon you as gods. When I look into a restaurant car, I find that an Englishman, a Britisher, nay a white-skinned man, may be even a German, your bitterest enemy, to fight whom you took our help and to which fight you referred while alluding to the picture of Pandit Motilal Nehru and his son and grandson,—you said that his grandson would ask him what part he played in the Great War,—even that German, because—

he is a white skinned man, is treated better on our Railways and in every way in a manner highly superior to the one in which we are treated

Well, Sir, our blood boils at it, let me tell you, and as human beings your blood also would boil at it if that treatment was accorded to you in your own country. Would it not? You talked of, or at least the Honourable the Home Member talked of it,—I forget who it was, but somebody talked of all those people sitting behind you and of the way they would vote. I tell you their hearts are with us, and not with you. They are voting with you because they are attached to you by golden hooks, they cannot help but vote with you. I know the interior of their heart, I have seen it, I pity them. (Mr. Gordon: "Have you seen it?") Yes, I have seen it, Sir, as much as a human being can see another man's heart. They have laid it thread bare before me and I have seen it as such.

Mr President. Will the Honourable Member please bring his remarks to a close?

Mr M V Abhyankar. Very well Sir. I know they are voting with the Government because of the salaries that they are getting from them. They cheer you because it pays them to cheer you. Nothing more than that.

One last word, Sir, and I have done. The Honourable the Home Member talked of constitutional ways and constitutional methods. But I should like to tell him that we have no constitution. The whole constitution is on his side. Has not Mr. Commerce Member Sir, told us that the whole constitution of India is on their side, and that if this House does what it desires to do, there are adequate safeguards, and that, that personage, that body, call it what you may, I mean the Governor General in Council will veto our amendment and certify the grant? Well, the Honourable Commerce Member has explained the whole constitution to us so nicely to-day. In one word, he has told us that we have no constitution, and that they have got the whole constitution on their side.

Then, Sir, the Honourable the Home Member said that we ought not to make the Executive Government callous. Well, callous it has been, and callous it will be. We do not want to make it callous. Our sole attempt is to make it reasonable if we can, and that is what we are trying to do. I hope we will succeed, I hope in the interest of the Government that we will succeed very soon by making it impossible for them to be otherwise.

Mr G G Sim. Sir, the latter portion of this debate has been carried on in the domain of politics high and low, and I am afraid that the House will be somewhat impatient with me because I rise to intervene in this debate in order to explain a few dry details on certain matters raised during the discussion on the somewhat unimportant and dull topics of railway finance and this Railway Budget. I was somewhat surprised to find Mr. Jamnadas Mehta, whom I am sorry not to see in his place, raising again the question of what he called the "hidden capital" of the Railways. If I understood the Honourable Member aright, his contention was that we ought to add to our present railway capital, on which the State is entitled to get a definite return, all the losses that have been incurred in connection with the Railways from the time Railways were first started in India and allow for these losses having accumulated at a compound rate of interest. I believe, Sir, that every Member of this House is

perfectly well aware of the fact that in no country in the world has a pioneer railway ever paid its way from purely railway earnings. In every country it has been necessary to subsidise the pioneer railways. In this country the form which the subsidy took was this. Land was given free to the railways and they were guaranteed a minimum return on their capital. The return was usually about 3 or $3\frac{1}{2}$ per cent. If it had been the intention of India that every railway should pay its way from railway earnings from the very beginning, you would never have started a railway at all. The Honourable Member's contention simply comes to this, that because the railways were subsidised from the general revenues in the beginning, because Mr Jamnadas Mehta's grandfather travelled cheap, Mr Jamnadas Mehta and his children should travel dear.

Now, Sir, this figure of 200 crores, to which the Honourable Member referred, is a figure which has been frequently referred to in various discussions in this House. It was referred to in the discussions with the Committee which dealt with the question of separation. Mr Parsons produced before the Committee a statement showing what the actual losses and gains had been on Indian Railways from the beginning of time. He said that these figures required modification before they could be correctly used even for the purpose of the argument for which they were used.

"The whole idea underlying the argument is that over a series of years the Railways should produce a return which will not involve a subsidy from the taxpayer. If so, the expenditure on constructing and running lines which were built not to give a return but for purposes of national insurance must clearly be excluded."

He went on to point out that the losses from strategic lines alone amounted to $1\frac{1}{2}$ crores. Now, the House in agreeing to the convention definitely dropped any idea whatsoever of accumulating all their losses at a rate of compound interest and adding it to their present capital. The House was clearly of opinion that that certainly was not the commercial method of handling the Railways. I do not suppose that any Member of this House imagines that any company, with any commercial ideas in its head, would carry forward its losses from year to year and add them with accumulated interest to its capital and inform the general public that it proposed to carry on in that manner, selling its commodity at a price which would give a market rate of interest on this inflated "capital". The House not only agreed to the figures that have been adopted for railway capital but definitely decided that the losses on strategic lines should be excluded. I may mention incidentally that if Mr Jamnadas Mehta's proposal were given effect to, the net result would be this, that the contribution to the State would have to be raised by Rs 10 crores and good-bye to any prospect of reduction in rates and fares, at any rate within the lifetime of this generation.

There is another point to which I wish to refer. Reference has been made to action which I myself have taken as Chairman of the Standing Finance Committee. I was very much astonished, Sir, to learn from Mr Neogy that the Standing Finance Committee had not done very much work. He said that they had 14 meetings and to the very best of his recollection they never sat beyond four hours a day. It was to the regret of myself and of my colleagues that we were unfortunately deprived of Mr Neogy's attendance at many of these meetings, but I think my colleagues will bear me out when I say that many of these meetings lasted 8 hours a day. It may be that in the absence of Mr Neogy the

hours seemed long to me, but my recollection is that for several days, particularly at the meetings in Bombay and Calcutta, we sat from 11 o'clock to 6. In any case, Sir, I hope that no Member of this House is under the impression that in working with the Committee I endeavoured to rush them, or to avoid giving any information which they desired.

In this connection I will now turn to something that Mr Rangachariar said. He said that he was under the impression that the Committee simply sat there and calmly accepted any proposals which I brought forward. Honourable Members are perfectly well aware that this Committee is composed of members fully representative of all shades of opinion in this House. If Honourable Members will look at the list of members of that Committee, they will see at once the absurdity of any one imagining that I can lead it by the nose. Take the list of members present at the very first meeting. We had Sir Sivaswamy Aiyer, Sir Purshotamdas Thakurdas, Sir Darcy Lindsay, Mr Willson, Mr Aney, Maulvi Abul Kasem, Mr Rama Aiyangar, Mr Neogy, Mr Jamnadas-Mehta, Mr Patel, and Mr Samiullah Khan, and for any person to suggest that I should have been capable of leading such a body of men by their respective noses is to attribute to me a power of grip possessed by no mortal man.

Then, Sir, Mr Neogy said that he was very much surprised to find that the Railway Board, and the Financial Commissioner in particular, had on several occasions actually sanctioned works or started works without the prior consent of the Standing Finance Committee.

Mr K C Neogy I said "on one occasion" on Friday last.

Mr G G Sim You said "on many occasions." I am equally astonished to find Mr Neogy making any statement of that nature. At the very first meeting of the Committee, Sir, in January last year, we discussed this very question at the instance of Mr Neogy himself. I explained to the Committee the difficulties that we anticipated in getting a commercial undertaking like the Railways to fit into the constitutional control of this House and we fully discussed the matter. This is the record of the proceedings.

"Mr Neogy inquired whether the division of the total grant into several grants restricted the powers of the Railway Board to make reappropriation from one demand to another. Mr Sim explained that this would be the result, but that, as stated in the memorandum on the separation of the finances, since the railway estimates are merely the best forecast that can be made in advance of the operations of the railways during a particular year, the Railway Board would continue to sanction expenditure in excess of any individual grant subject to the liability of having to defend such action before the Standing Finance Committee and the Legislative Assembly, and the Committee approved of this procedure."

The Honourable Member is now proposing to condemn a procedure which he himself as a member of the Committee agreed was the only possible procedure for working the system. Sir, Honourable Members have referred to the lack of control exercised by the House over the estimates. It has been my ambition and it was my duty as Chairman of that Committee to try and arrange matters in such a way that I should have a Budget presented to this House for the Railways that would have the support of that Committee, and I have done my utmost to give effect to what I understood to be the intentions of this House. The fact that we have been able to present to this House estimates every one of which was approved by a Committee fully representative of this House surely shows

that the control exercised by the House through that Committee is a very substantial one and far greater than the remarks of some Honourable Members would appear to indicate

Diwan Bahadur T Rangachariar (Madras City Non-Muhammadian Urban) Sir, even at the risk of incurring some popular odium, I must rise and say at once that I am not going to give a silent vote on this matter. I look at the vote on its merits. What is the meaning of this vote? Is it that this House does not want the continuance of the Railway Board? That is the ordinary meaning of the vote which anybody will attach to it. We have our complaints, big and small, against the Executive Government of this country, but we are not now concerned with a vote about the Executive Government of this country. We are now concerned with a Department which is in charge of properties of vast value, which have great potential value for the future. Looked at from that point of view do we want a Board to manage that property or not? It is this House which voted solidly for taking up all these Railways under State management. And what does State management import? It means that we have to employ some agency to look after this property, and the Railway Board is the only natural agency which we would establish if we had Swaraj in our hands (*Pandit Motilal Nehru* "Not the present Railway Board") Not the present Railway Board, but you will have to establish a Railway Board in order to manage the property. If you want to condemn the Railway Board you must condemn it for its faults. I was rather surprised this morning at the change which has come over this side. My Honourable friend Mr Gaya Prasad Singh was the first Swarajist Member who rose yesterday and began by congratulating the Railway Board on its successful management of the Railways.

Mr Gaya Prasad Singh (Tirhut Division Non-Muhammadian) I must explain, Sir, that there was not one word of congratulation to the Railway Board in the course of my speech yesterday.

Diwan Bahadur T Rangachariar If it was not so, all right, at any rate, I got that impression. Any way there was a feeling of satisfaction and congratulation noticeable in the several speeches that were made yesterday. It came as a surprise to me, I dare say it came as a surprise to many in this House, that we should now be faced with a motion to turn down the whole Railway Board. What are the complaints? The complaints are, one that the Lee Commission *loot* has been recognised. But who recognised that *loot*? Is it the Railway Board which recognised it, or is it the Executive Government of which the Members are my Honourable friends, Sir Bhupendra Nath Mitra, Sir Basil Blackett, Sir Charles Innes and Sir Alexander Muddiman? We are not now doing anything as regards their salaries or their allowances. Again, what is the other complaint? That there is no Indian on the Railway Board. I hold as strong a view as my Honourable friends here about the non-appointment of an Indian. That is a matter which comes upon a separate vote. We have a separate vote and I am rather sorry that this question is mixed up with the general issue of the Railway Board. I wish we had given a straight vote on that by voting down the whole of one Member's salary (*Pandit Motilal Nehru* "We cannot do it") If we cannot do it, at any rate we can turn down his allowance or something of that kind in order to place on record our emphatic disapproval, nay, our disgust at the attitude the Government have exhibited in this matter.

Mr. M. K. Acharya (South Arcot *cum* Chingleput Non-Muhammadan Rural) Why not send such a cut?

Diwan Bahadur T. Rangachariar: I have sent such a cut if you will allow me to move that cut. The Railway Board is not responsible for that. My Honourable friend Sir Basil Blackett has to justify his departure from the word which he gave to this House this time last year. The Railway Board is not a responsible body. But whose fault is that? Is it the Railway Board's fault, or our fault, that we have not been able to bring pressure to bear upon the Government to change the system?

Mr. K. Ahmed (Rajshahi Division Muhammadan Rural) What did you do during the last six years?

Diwan Bahadur T. Rangachariar: If you ask me that, I can give you a good account of what I have done. This is not the time for me to render an account of what we have done during the last six years.

Mr. K. Ahmed: I know, Sir, what you have done for yourself.

Diwan Bahadur T. Rangachariar. As regards the Rates Tribunal, I again ask, is it the Railway Board which is responsible for the constitution and functions of the Rates Tribunal? It is the Executive Government. These are the four main faults which have been laid at the door of the Railway Board. I rather think in view of some anticipatory events this discussion is anticipatory of the general discussion on the General Budget. This is a discussion on the Railway Budget. These questions do not at all arise on the Railway Budget. The questions which are germane to the Railway Board are the questions regarding the Indianisation of the establishment, regarding the stores purchase to which my Honourable friend Mr. Raju referred, and the reduction of rates. The latter is a matter in which all of us take a very deep interest. But what do I find as regards the rates? One of the great complaints which my Honourable friend, Pandit Motilal Nehru, made against the Railway Board was, "Look at the unsatisfactory feature of the Railway Board. They have not done anything to reduce rates." But what do I find? In the proceedings of the Railway Standing Finance Committee where my Honourable friend's henchman, Mr. Mehta

Pandit Motilal Nehru: I said that they had made reductions but that it was a very niggardly measure.

Diwan Bahadur T. Rangachariar: I stand corrected and I am willing to take what my Honourable friend has stated. At a meeting at which Mr. Jarnadas Mehta, the Mover of the present proposition, was present, at page 78 of the proceedings of the Standing Finance Committee for Railways this is what is recorded unanimously.

"Subject to the above remarks, the Committee approved with *gratification* the report that had been made in the reduction of freights and rates."

Pandit Motilal Nehru. This House is not bound by that.

Diwan Bahadur T. Rangachariar: It is a Committee elected by this House, the whole body of it is elected by this House and are we to attach any importance to their work or not? Going through these proceedings put after part I saw the great assiduity and labour bestowed by that Committee in discharging their duties which we entrusted to them, and

when they recorded a verdict like that, are we to go behind it without any justification and simply to make it an excuse? Are we to make a gesture like that when we are dealing with a Department which is administering properties of vast value on our behalf? Condemn them by all means, pass token votes of censure upon them, but to turn down the whole Demand appears to be not a correct procedure to adopt. Sir, I propose to vote against this motion as it is.

Colonel J. D. Crawford (Bengal European) After what has fallen from my Honourable friend Diwan Bahadur Rangachariar as regards the practical issues of the motion before us there is no necessity for me to enlarge upon that point. But I do wish to enter my protest as an elected representative against the motion now before the House. I have heard much in this debate about the autocracy of the Railway Board. I have also heard from my Honourable friend Mr. Neogy something about the surrender by this House of its powers of control over the finances of the Railways. Yet what is more autocratic or tends more to the surrender of our control than the misuse of its powers by the leading Party in this House which frustrates public expression of opinion on matters concerning railway finance? This is one of the opportunities under the existing constitution—that constitution may not be what you like it to be,—but this is one of the opportunities which we, the elected representatives of the people, have to place certain propositions before the House.

Mr. K. Ahmed But you are an interested person to speak for the Europeans.

Colonel J. D. Crawford The propositions which we wish to place before the House are not those in which the European is particularly interested. We have propositions which are needed in the interests of India and the interests of our Railways. We come here with that duty to perform. Not that I do not sympathise with the views which the opposite Benches may desire to place before Government regarding the measure of responsibility of the Railway Board to this House. That I feel they could urge on a reduction of the grant by Rs. 100 as strongly and as cogently as they can by throwing out the whole Budget, and at the same time leave to me an opportunity to place before the Government questions of interest on this particular Demand. That is my feeling. The party in power is not here to stifle the debate altogether or to block it. They ought to afford us an opportunity of voicing our feelings. It is our duty as representatives of the people to have an opportunity of voicing our views.

Pandit Motilal Nehru Which is the Party in power?

Colonel J. D. Crawford The Party which has been in power for some time is your own. What have you done up to date for the country?

Mr. A. Rangaswami Iyengar Party without power.

Colonel J. D. Crawford You have prevented other people who differ from you from voicing their views. That is the attitude which the Swarajist Party has developed throughout the countryside. I trust that when the next general election comes the country will realise how futile has been that policy and will send out a different set of representatives to this House.

Now, Sir, there are many others who desire to say something on this particular Demand

Mr K. Ahmed How do you know ?

Colonel J. D Crawford I see in the amendment paper many motions have been put down. So I presume that they have something to say. I am not so sure that the Government are not responsive. I personally believe that they are responsive to public opinion as expressed through this House. We have the Bombay millowners getting a reduction of their coal freights. We have other people getting a reduction of third class fares. There are signs that this Government is responsive if we choose to press our case, and, that is the point I want to emphasize. I trust Members of this House will not be misled entirely by the political issue at the moment. That is an issue that should be settled on another occasion. What I want to-day is that the House should continue the discussion of this Demand, having registered if you like your protest, so that we may get to the real business before the House.

Dr L. K. Hyder (Agra Division, Muhammadan Rural) Let me say at the outset that I sympathise with this demand fully, freely, conscientiously and wholeheartedly. When I look at this motion, Mr President, I do not think that the method adopted in this connection is the method which would appeal to me. Mr President, some time ago I was reading a novel and the punishment that was meted out to the criminal in that novel was this—that he was placed by the side of a mountain and a drop of water was poured on his head with infinite regularity, with rhythm every minute of his life and that man was worn down eventually. Now, Sir, if this demand contained a reference to a slight cut pointing out the grievances which the Indians feel on this matter, I should go straight into the lobby and vote for it. This motion, as it is, is not like the drop poured out with infinite regularity on the devoted head of Mr Sim or the Honourable Member for Commerce. Sir, there is not a drop of argument in this—it is a tearing down of the whole thing. Now, if this had been brought forward in the form of a cut to enter a protest that Indians are not on the Railway Board, and there is no reason why they should not be, I should have gone into that lobby. It does nothing of the kind. It is not the method of argument, discussion, persuasion or conviction. It generates heat this side and generates heat that side. For this reason I shall have to go into the other lobby and oppose it.

Mr C. S. Ranga Iyer (Rohilkund and Kumaon Divisions, Non-Muhammadan Rural) Sir, the previous speaker, a professor from Aligarh, objects to our way of thinking. He feared that the motion of my friend from Bombay would lead to the separation of the sheep from the goat. That would be the consequence no doubt—a consummation devoutly to be wished for. Then he felt the generation of heat! I do not know if he is a professor of science but more light is generated on this side and we leave the heat to the other side and if he likes to generate lightning, he is welcome to it.

I do not know if I could refer to the Honourable the Home Member in his absence. According to a theory that he propounded the other day, one should not refer to an absent Member. I think there is no harm in referring to the Honourable the Home Member as I believe it is

perfect courtesy to pay a tribute behind one's back (Laughter), that is exactly what I propose to do. The greatest difficulty and regret on our side is that the Honourable the Home Member does not represent "the steel frame" of the bureaucracy. He is suave, courteous, good manners personified, and therefore it is difficult to deal with a real issue of the kind in which his predecessor would have revelled.

Sir, the Honourable Member was referring to the impairing of the constitutional integrity. Constitutional integrity, whatever may be the bureaucratic conception, is a paradox which I do not presume to understand. It is a contradiction in terms because I do not, my Party does not, our leader has made it clear in speeches after speeches that he does not, and his great associate who is no longer with us, Deshabandu Das, did not, believe in a constitution which has no *sanction* and the only sanction for a constitution is the Will of the People. This constitution has been imposed on us. It has been imposed on us by people who do not represent us and who are responsible to people divided from us by mountains and rivers, by half the world. Therefore, Sir, we are not impairing the constitutional integrity. We are striving to create pure constitutional integrity. We are compelling the Government to understand and recognise the true integrity of all constitutions, which is the sanction of the people. If we do not raise the question of constitutional integrity once a year, when you come to us for supplies, I do not know when we could raise it at all in this House. The Administration has no constitutional sanction behind it and our object is to create that sanction. As for the impairing of the constitutional integrity, I may once for all say that it is not we and our Resolutions that impair that integrity but speeches delivered by men in responsible position, his own predecessor in office who was the other day talking big of the sanction behind the constitutional integrity of bureaucratic domination—namely "the bayonet"! Sir Malcolm Hailey was saying the other day that it was not the ballot box but the bayonet that has the sanction of the constitution. His words are still going through the Indian Press. For the faith that is in him, the present Home Member's predecessor was promoted to another place. We do not know whether we are to take "seriously" the Honourable the Home Member or his own predecessor in office. So far as the Assembly is concerned we know how seriously it has been treated! He said we have been taken "seriously"—seriously on one trivial issue. We have been spurned. Resolutions after Resolutions were consigned to Mr Patel's "waste-paper basket"—Resolutions adopted in this House. Is this constitutional integrity? You created a constitution. That constitution has not released us from bondage. It has not given the franchise to the 300 millions of India. But it has given the franchise to a few lakhs. We came here as the representatives of the people. We passed Resolutions after Resolutions. Did the Government give effect to them? Where is, may I ask, the constitutional integrity of which the Honourable the Home Member was speaking? I do not like the word "boast" in regard to him but it almost looked like boasting, though he was speaking so utterly sincerely. But his sincerity is confined only to himself. There is another kind of sincerity which is impersonal—sincerity which is synonymous with true constitutional integrity—which does not exist on the other side of the House,—I do not mean in the persons of the Members seated there but in the system of which they are a part. Sir, if we raise this issue to day, it is in grim earnestness.

Sir, I was not present, I was lunching late, when the Member for Ireland, Mr Sim, (Laughter) was speaking Or more correctly Scotland I am sure that Mr Sim has read what that famous poet of Ireland Thomas Davis of the 1848 movement said—and the mandate or rather the faith, the ideal behind the motion before the House is involved in that beautiful passage which may be quoted

“ For freedom comes from God's right hand
And needs a godly train ”

—not Sir Charles Innes' train (Laughter)—

“ And righteous men must make our land
A nation once again ”

Sir, we know that bureaucratic blood is thicker than Assembly rhetoric. That is why the “scales” were wrongly “weighted” in spite of the plighted word given in this House And therefore, Sir, this is the only manner in which,—even if we lose the vote of a professor,—this is the only manner in which,—even if we fail to carry this Resolution through,—that we can proclaim, which must be heard, notwithstanding a professor's trepidation, our feelings in a voice of thunder (Laughter)

Sir, the Honourable the Commerce Member was referring prophetic-like to a talk between Pandit Motilal Nehru and his grandson I do not refer to his son because the conversations of his son are public property (Laughter), and I do not want to refer—the subject is so delicate—to the son of Sir Charles Innes because he has come into the service which his father yet adorns, and has, let us hope, as grand a future before him as his father's post (Hear, hear) But, Sir, I am concerned with the grandson of Sir Charles Innes, who will one day ask of him in dismay “ Grandpa, did you read *The Lost Dominion*? Why did you lose the Dominion for us?” And later perhaps when he is in a public school or, say, is an undergraduate of Oxford “ Did you not read the American history? Why did you commit the mistake over again when the Indian people raised their voice of warning? Why did you put your head into the sand like the ostrich? Why do we now have to go to India as foreigners when you went there as one of themselves?”

Do not for a moment imagine that “ the bayonet ” is more powerful than “ the ballot box ” Do not for a moment think that you can ride roughshod over Resolutions which embody the will of the people I do not want to use harsh language, but I do want that you should see the inwaidness of this motion I find my friend over there, Sir Denys Bray, smiling away, but I think he more than any one else,—a student of Literature and History,—knows that history can repeat itself even on this side of the Suez

The Honourable Sir Basil Blackett Sir, I rise to take part in this debate, partly as a result of more than one challenge and partly because I feel that to some extent I am responsible for this motion to-day I do not think I am entirely responsible I have a feeling that there is a desire in some parts of the House to express a vote of censure on the minority which voted a particular way on a particular Bill last week and is sore at its failure, but at the same time there is some responsibility, I think, with me for some words I used a year ago These have, I fear,

been taken as implying more than they said and they raised expectations which have not at the moment been fulfilled. If that is so, I regret it extremely, because I have always been careful in this House and I have always done my best not to say a word more than I mean. I have sometimes I know been thought unsympathetic in various quarters of this House because I have refused to make a half or a quarter promise where a mere few words of a half or quarter promise might possibly have turned a vote. Therefore, I feel that I have some responsibility for this debate to-day in that I said a year ago that in the event of Mr Sim's departure from the office of Financial Commissioner the prospects of an Indian taking his place were bright. The exact words I used need not be repeated (*An Honourable Member* "Mr Parsons was acting at that time") I do not think that is so. He was not acting at that moment, but still he had been acting quite recently. At that time I went on to say that I hoped Mr Sim's presence in the Railway Board would be with us for a long time to come (*An Honourable Member* "Why did you change your mind?") I cannot enter into all the details of the reasons which have led to Mr Sim's being transferred to a post where I am sure he will continue to serve the financial interests of this country and the interests of the financial control of this House with the same skill with which he has served it as a Member of the Railway Board (Applause). At that time I certainly had not in mind such an early transition. At the same time it was made perfectly clear at the moment, and I think my own words confirm it, that the question would be who was the most suitable candidate, my words were "whether when the time comes the most suitable candidate will be an Indian or not is a matter on which it is quite impossible to prophesy." I cannot understand how that can be taken by the House as meaning that in all circumstances an Indian would be appointed (*An Honourable Member* "Read the next sentence") I am not here to apologise for or withdraw what I said last year even though it has been misunderstood, but I do wish to point out that I did not say that in no circumstances would the successor to Mr Sim be other than an Indian. Now, the House has been complaining that there has been no response to its action last year. A year ago when I was speaking, of all the 5 Directors in the Railway Board none were Indians. To-day there are two. That is, I claim, a direct response to the attitude of this House. I do not say that it would not have happened but for the fact that the cut was carried out. But I do claim that the statement that there is no response on the side of Government to votes carried in this House is an extreme overstatement of the position. The problem of Indianization is a big one, and it has been raised to day on a particular issue, but I do wish Honourable Members would realise that it is going on at a very great pace and that the way to get successful Indianization is when you have a vacancy for an Under Secretary and there is a suitable Indian who is a good candidate for that post put him in, and a few years after he will be a good candidate for a higher post and in a comparatively short time, a period that is very short in comparison even with the history of Britain in India and short indeed in comparison with the history of India, you will get a mighty transition.

Now, what is the alternative? Supposing just because a post is vacant we decide that it must in all circumstances be filled by an Indian. Supposing that it is filled, although there is no Indian who has had the special training required—and remember it is a matter of very special training in

the Finance Department and the Railway Department—who can fill this post? But nonetheless we put the man in. What is the result? Very likely, not because it is his fault, but because he is put in a position for which he has had no training, he is a failure. Is that the way to secure successful Indianization? Do you want us to put a man into a post for which he has had no training with the result that you have a very good chance of doing him very undeserved damage and giving the appearance of making a failure of Indianization?

Now, let me turn to the general question of grievances before supply for a moment. The Honourable Pandit Motilal Nehru says that he stands here to support this motion on the basis of the doctrine of grievances before supply. Now, the doctrine of grievances before supply as interpreted by the House of Commons to day and for the last two centuries is itself to a large extent a convention. What it means is that the House of Commons insists on and gets the opportunity of discussing grievances very fully before it grants supply.

Mr A Rangaswami Iyengar That is not the position.

The Honourable Sir Basil Blackett That I agree is not the practice which the Mover of this motion has in mind. What he seems to have in mind is that because he has got grievances he wants to refuse supply with the perfect certainty and in the expectation that that supply will none the less be forthcoming. If he believed for a moment that the supply would not be forthcoming, would he vote for this motion? Is he going to make a grievance of it after the event as he has done in other cases that we have restored this grant? The only effect of misusing the convention in the way in which it is proposed to misuse it to-day is to destroy the meaning both of the phrase "grievances before supply" and of the convention.

Pandit Motilal Nehru My friend is entirely mistaken in the meaning of the phrase. It does not mean anything like what he imagines. I would request him to study the procedure of the House of Commons.

The Honourable Sir Basil Blackett The phrase "grievances before supply" means the claim of His Majesty's Commons in Parliament assembled to express their grievances and to insist within the possibilities of the moment on their being attended to before they vote supply.

Mr Ohaman Lall (West Punjab Non-Muhammadan) Refusing supplies if they are not attended to as happened in the reign of Charles I.

The Honourable Sir Basil Blackett It is largely a matter of convention. If the Honourable Member thinks he can refuse supplies, I invite him to follow it up in the proper way. But if he recognises that this is a convention which if properly used may redound immensely to the advantage of the extension of the control by this Assembly over finance and will lead on in due course to a further stage, then he will not waste his opportunities by misusing the convention. I would remind the House that two years ago in a great hurry it started on the discussion of Demands for Grants by throwing out four Demands one after another as a whole. It did not find it a very satisfactory procedure. One Honourable Member at any rate has publicly expressed the view that this was a bad mistake.

When we were discussing a very similar motion to this a year ago, Mr Jinnah said

"My friend Pandit Motilal Nehru says that we did that last year Sir, his question is perfectly pertinent, and my answer is this. Supposing we thought that we were wrong last time, are we going to commit the same mistake again? I think we all make mistakes. I am humble enough to admit here and proclaim it that I make mistakes

I too ask the House not to make this mistake again. What has been said by my Honourable friend Diwan Bahadur Rangachariar is perfectly true. The effect of a cut by Rs. 100 or a motion for a cut by Rs. 100, I maintain, is not only equal to but greater than the effect of an action of this sort

Mr A Rangaswami Iyengar Do you resign on the motion?

The Honourable Sir Basil Blackett The Honourable Member forgets that one of the conventions which helps to make the Parliamentary system work in England is that a Minister has the right to resign if he does not like the way in which the House votes his supplies

Mr A Rangaswami Iyengar It is his duty to resign

The Honourable Sir Basil Blackett You cannot apply that convention unless you apply it with that common sense of which Mr Jinnah is very fond—I repeat his special phrase—unless you apply it with common sense, and do not let us have the sort of heroics that came from our friend Mr Abhivankar before lunch. We were reminded by Mr Neogy that this sort of talk was at any rate useful for our physical exercise and that it gave us an opportunity of using our voice. I am sure one Member took that opportunity but I cannot help thinking that it is bad for another organ. Now, I do ask the House to think twice as to what they are doing. Are they going to repeat the mistake if they throw out this demand that they made two years ago? They are going to do exactly what neither they nor the members of the Government of India desire, namely, to make restoration a normal, ordinary, every day occurrence

Pandit Motilal Nehru It is already an every day occurrence

The Honourable Sir Basil Blackett I challenge the Honourable Member's view that it is already a normal every day occurrence

Mr A Rangaswami Iyengar It was stated in the Joint Committee's Report that it was expected to be used as a normal weapon

The Honourable Sir Basil Blackett I do not say that it is not a normal weapon, which is quite different. A pistol is a normal weapon, but is its use a normal occurrence for an attack on one's friends or enemies? I ask the House to think twice before they throw this out. By doing so, they will definitely put the hands of the clock of progress back. They will be losing a very considerable part of the advance that has been registered in the matter of the machinery of financial control in the last two years and they will be doing what Mr Jinnah deprecated a year ago, repeating the mistake without any advantage either to themselves or to the country

Mr A Rangaswami Iyengar I move, Sir, that the question be now put

Mr President The question is that the question be now put

The motion was adopted

The Honourable Sir Charles Innes Sir, my Honourable friend Mr Jamnadas Mehta said that the Budget is the time to voice railway grievances I quite agree, and in that view, why is it that the Honourable Member proposes to throw out this Demand here and now with the object apparently of stopping the discussion of the grievances which other notices of motions for reduction refer to?

Mr Jamnadas M Mehta The Railway Board is the greatest grievance

The Honourable Sir Charles Innes It has been said that the Railway Board is entirely unresponsive to opinion in this House I deny that statement absolutely I claim, Sir, on behalf of the Railway Board that we are probably more responsive than any other department of the Government of India Sir, I propose to prove that statement I would ask the House what other department of the Government of India is there which places its Budget absolutely without any reserve whatsoever before a Committee which is composed entirely of non-official Members of this House The Railway Board is the only department which does that Sir, I must say that the House talked a lot about response to-day If the House passes this motion of my friend Mr Jamnadas Mehta they will be making a very poor response to the very hard work which Mr Sim has undertaken in order to give the House through its own Committee the fullest possible information about this Budget Sir, in the Railway Department, for the last two months we have been spending the whole of our time and the whole of our energies in trying to place this Budget before this House in a form which will admit of useful discussion, and it seems to me, Sir, that this House will be very ungrateful if on purely political grounds and for a purely imaginary benefit, which will be no benefit at all, it throws aside the whole of our labour and proceeds to throw out this Demand Sir, I am confident that they will not do so

Mr President The original question was

“That a sum not exceeding Rs 9,68,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1927 in respect of the ‘Railway Board’ ”

Since which the following amendment has been moved

“That the Demand under the head ‘Railway Board’ be omitted ”

The question is that that amendment be adopted

The motion was adopted by 51 votes against 48

Monday, 1st March, 1926

THE BUDGET FOR 1926-27

INTRODUCTORY

The Honourable Sir Basil Blackett (Finance Member) Sir, in the Budget for 1925-26 the Government of India and the Legislature had the satisfaction of making a substantial beginning in the reduction of Provincial contributions, when apart from other temporary relief, a permanent diminution of Rs 2½ crores was effected in their total We were enabled to take this welcome step in view of substantial realised surplus

in each of the years 1923-24 and 1924-25, and in expectation of a balance on the right side in the year 1925-26. I am glad to be able to inform the House that, in spite of the considerable revenue which we then gave up in relief of the Provinces, a realised surplus for 1925-26 is now assured. The exact figure is of course still a matter of estimating, but there is no doubt that the balance will be on the right side and this notwithstanding the very unusual step taken during the year in regard to the Cotton Excise Duty. This duty ceased to be levied as from the 1st of December 1925 and in the announcement regarding the cessation of its levy it was made clear that, barring unforeseen accidents, suspension was intended in all but form to be equivalent to abolition.

2 This announcement inevitably takes away some of the beautiful uncertainty of anticipation, some of the pleasant thrill of expectancy, which is supposed to attach to the opening of a Budget. Instead of hoping—shall I say, against hope?—that this Budget may perhaps contain proposals for bringing to an end this tax, so long the subject of controversy, Honourable Members have, I suspect, already in their minds written it off, and, as they listen to me, are waiting in anxious suspense, not to learn the fate of the Cotton Excise Duty, but only to know what other reliefs, if any, may be in store for them. In regard to the Cotton Excise Duty, I will keep them in doubt no longer. I will admit them at once to the secret that the Finance Bill about to be presented to the House includes a clause abolishing the Cotton Excise Duty finally and entirely. The patient died on December the 1st, 1925, and it only remains for us to assist at his obseques and give the corpse decent interment. We have no need to fear even its unlamented ghost. No miracle can restore it to life at this time other than some unthinkable accident in the passing of the Finance Bill.

3 Before satisfying the curiosity of Honourable Members in regard to actual outturn of other proposals in the Budget, I must first review shortly the actual figures for 1924-25 and, in somewhat greater detail, the revised estimates for the year 1925-26. Our revised estimates for 1924-25 anticipated a surplus of almost 4 crores. The audited accounts which have just been published show a surplus of 5.68 crores—an improvement of nearly 1.69 crores on our expectations of a year ago. Under all the heads of the Civil Budget, apart from Railways the net variation between the revised estimates and the actual figures amounts to 15 lakhs only, though there are appreciable variations in both directions under individual heads. The increase in the realised surplus is accounted for almost entirely by a reduction in net military expenditure amounting to 70 lakhs and an increase in the contribution from Railways amounting to 1.14 lakhs. The savings in military expenditure arose from underspending in England due partly to decreased expenditure on purchase of stores and partly to an adjustment in India's favour of some payments to the War Office arising out of claims in connection with war expenditure. These claims, I may say, have no connection with the important sums in dispute between the War Office and the Government of India in regard to war expenditure. Negotiations for the settlement of these latter have been vigorously pursued during the year. The issues are complicated, and I am not yet in a position to announce the final outcome, but I have every hope that the result will in the end be regarded as not unfavourable to India. The large variation amounting to 1.14 lakhs under Railways is the result of an increase

in the net railway earnings which after the deduction of the fixed contribution of 5.09 crores, proved to be 8.07 crores instead of 1.67 crores as anticipated. There were savings in working expenses owing partly to adjustments in connection with the Privy Council decision regarding Customs duties on stores for Companies' lines. On the other hand, the gross traffic receipts exceeded expectations by 1.18 crores, chiefly because heavy traffic in grain and cotton developed in February and March, the movement of these crops beginning earlier than usual. One result of this is that the railway receipts in the early part of the current year fell below our anticipations. The final outturn of the year 1924-25 shows a revenue of 138.01 crores and an expenditure of 132.36 crores, leaving a realised surplus of 5.68 crores. The usual comparative table showing the actual outturn in each of the last ten years is attached to the printed Budget speech.

REVIEW OF THE YEAR 1925-26

4 Weather conditions in India in the year 1925-26 have not been altogether favourable. The winter rainfall a year ago was not unsatisfactory—I regret to say that it is less satisfactory in Northern India this year—but the wheat crop suffered from excessive cold and high winds. Almost throughout India the monsoon came to an end too early. In old days this might have caused really bad famine conditions in some areas, but the great improvement in our communications in recent years has contributed materially to a reduction of famine risks especially when, as in 1925, the monsoon rainfall was not entirely deficient. Indian trade and commerce during the year have, however, been less under the influence of internal conditions than under that of external conditions affecting world trade. I drew attention a year ago to the gradual recovery of trade from world-wide depression under the stimulus of greater general security and reduced prices. Similar forces have operated in India during 1925-26 but the fall in prices has been more marked than in the previous year. For all commodities the general index figure came down from 176 at the end of December 1924 to 163 at the end of December 1925. Prices of cotton piecegoods and, in a lesser degree, of raw cotton were a year ago entirely out of tune with the general price level. Raw cotton appears now to have returned very nearly to its pre-war relation to other prices, and this fact holds out the prospect of an increased volume of trade in cotton piecegoods as soon as prices become steadier. Cotton piecegoods are, however, still priced at a level considerably above the general average in spite of a very marked fall especially during the last six months of the calendar year. It is perhaps not unnatural that during this painful period of restoration of price equilibrium the cotton mill industry particularly in Bombay, has been subjected to serious difficulties and that there has been a considerable decrease in our imports of cotton piecegoods. During the first 9 months of 1925-26 there was a fall of 22 per cent in value and 15 per cent in the quantity of piecegoods imported. In our export figures a large reduction in the quantity and value of our exports of wheat is the most notable feature during this period.

5 Apart from these two commodities, the trade figures of the year have been satisfactory. The tea industry has had another prosperous year, while the prices both of raw jute and jute manufactures show a considerable advance. A significant feature of the year which is of great importance in relation to the question of transport facilities in India has been the

growth of the use of motor vehicles. There has been a large increase in the number of private cars in use and an even more striking increase in the number of vehicles plying for public hire. The number of motor vehicles imported has gone up by 24 per cent. Our receipts from the excise duty on petrol reflect the increase in the use of motor vehicles in a striking manner. Though the rate of duty was reduced by 33½ per cent a year ago, yet our revenue from the duty is as high as before. Among other features of interest I may mention that imports of artificial silk have gone up seven-fold in two years.

6 During the course of 1925 the League of Nations issued a table designed to compare on a gold basis the total foreign trade of all the countries of the world in 1913 and 1924. According to the figures in that table India stood in 1913 eighth on the list of countries in the matter of the total value of foreign trade. In 1924 she had risen to the fifth place, and there is little doubt that she has maintained that position throughout 1925. In spite of a fall in values and the depression in the piecegoods trade, India's total foreign trade in the first ten months of 1925-26 amounted to 496.43 crores or only 16.81 crores less than the figure for the corresponding period of the previous financial year. The net imports of bullion during the calendar year 1925 amounted to 80.92 crores of which 60.69 crores represented gold. This latter figure is the highest ever recorded. But the boom in the demand for gold had nearly spent itself in the first three months of the calendar year, and the imports of gold in the ten months of the financial year beginning on the 1st of April 1925, at 28.10 crores are 18.09 crores below the corresponding ten months of 1924-25. The visible balance of trade including private imports of treasure was in favour of India at the end of January to the extent of 85.82 crores of rupees—a figure which should be compared with 42.29 crores a year ago and 63.30 crores in the corresponding period of the year 1923-24.

7 The rupee-sterling exchange has shown persistent strength almost throughout the year, and for the time being at any rate we seem to have come to an end of the wide fluctuations which have been a feature of the post-war period. Thanks in large measure to the steadiness of exchange and also to other causes such as the abstention of the Government of India from the loan market for purposes other than conversion—a subject to which I shall have occasion to refer later—the busy season of 1925-26 promises to be remarkable for an almost complete absence of stringency in the money market. After the severe stringency of the winter of 1923-24, conditions in the following season of 1924-25 showed a noticeable improvement and the Bank rate did not rise above 7 per cent and that only for a period of 4 months from January to May, 1925. It was reduced by the third week in May to 6 per cent and by the first week in July to 4 per cent. The rate was raised again to 5 per cent in the fourth week of September and remained there till the first week of December, when it went up to 6 per cent. If, as seems possible, we are able to get through the busy season of this year with a rate not higher than 6 per cent, this will be the first occasion since the establishment of the Imperial Bank of India when the rate has not risen as high as 7 per cent, and if we leave two exceptional war years out of the account when conditions were artificial, it will represent what I think must be a record in the history of Indian banking, and will be an achievement for which the authorities of the Imperial Bank of India will deserve special thanks and congratulations.

REVENUE, 1925-26

8 Our Customs revenue for the current year reflects accurately the trade conditions at which I have glanced. The suspension of the Cotton Excise Duty from December onwards, coupled with the notable fall in values, has had the result of reducing our income from the duty by 71 lakhs as compared with the Budget estimate. The yield from the import duty on cotton goods was estimated cautiously at 7.30 crores, or 40 lakhs less than the revised estimate for 1924-25, but it is not now estimated that we shall collect much more than 6 crores. On the other hand, the increase in the world production of sugar has resulted in a very heavy fall in sugar prices leading to a large increase in the imports into India, and thanks to the action of the Legislature a year ago in passing an Act converting the previous *ad valorem* duty on sugar into a specific duty, our revenues have benefited very materially. Our present anticipations point to an increase of 1.30 lakhs under sugar, fully counterbalancing the decrease under cotton piecegoods. Protective duties show increased yields, and as I have already mentioned, the reduction in the excise duty on motor spirit has proved a great success in that it has led to no such decrease in the yield as cautious estimating made it necessary for us to anticipate a year ago. Thanks to these counterbalancing factors, we now anticipate, in spite of the loss of 71 lakhs on Cotton Excise Duty, gross receipts from Customs for the year of 47.83 crores, which is 30 lakhs higher than the Budget figure. A probable saving of 20 lakhs under refunds enables us to anticipate a total improvement of 50 lakhs in the net receipts which we now put at 46.85 crores.

9 Under Taxes on Income, which are based on the profits of the previous year, we made what we considered a conservative estimate for 1925-26 in taking a net yield of 17.35 crores which was 87 lakhs below the Budget estimate of 18.22 crores for the previous year, though the figure actually realised in 1924-25 proved to be 16.01 crores only. Unfortunately our estimate under this head has again proved over sanguine. The gross receipts are now estimated at 17.88 crores, which is 60 lakhs less than the Budget estimate, while refunds, etc., exceed the estimate by 41 lakhs, making the net yield 16.25 crores, or 1.10 lakhs less than anticipated.

10 With the salt duty at Rs. 14-0 we budgeted for a normal year's receipts. It has proved, however, that we made insufficient allowance for the large accumulation of stocks which followed on the reduction of the duty in March 1924. The off-take of salt in the early months of the summer, particularly from the Northern India Salt sources, was much below normal and for the year as a whole we expect a decrease of 55 lakhs, making a net yield of 6.40 crores in comparison with the Budget figure of 6.95 crores.

11 A supplementary grant of 51 lakhs was passed by this House during the Simla session in order to meet extra payments to cultivators in the United Provinces on account of the high outturn of the opium crop. The extra payments required, owing partly to savings elsewhere, are now expected to be 35 lakhs only, and they will be more than counterbalanced by the increase in receipts. The stocks of excise opium in treasuries which, as I explained in my Budget speech last year, were taken over and paid for by the

Local Governments as on the 1st April, 1925, have proved to be higher by 24 lakhs than we had allowed for, thus adding by this amount to our non-recurrent receipts under this head. After taking these and other factors into account, we now anticipate that our net revenue from opium in the year will be 2 24 crores, which is 48 lakhs higher than we estimated last March.

12 In framing our estimate of the receipts of the General Budget from Railways we allowed for the fixed contribution of 5 09 crores together with an estimated receipt of 15 lakhs representing one-third of the excess over 3 crores expected to be transferred to the Railway reserve. The net earnings from railways have proved, as the House is aware, slightly higher than anticipated in the original Budget, so that our share in the surplus over 3 crores is increased by 8 lakhs, and the total contribution from Railways is estimated at 5 32 crores.

13 We expect an increase of 43 lakhs under Interest owing mainly to higher rates for short money in London and higher cash balances there, and for similar reasons we anticipate an additional 46 lakhs of interest on investments of the Currency Reserves. The receipts from the Enemy Ships account and the first instalment of Reparation payments from Germany under the Dawes scheme give us an extra 21 lakhs under the head of Extraordinary revenue. This completes my survey of the Revenue side of the account for 1925-26, and explains my reasons for putting the revised estimate of revenue for the year at 131 35 crores instead of 130 68 crores.

EXPENDITURE, 1925-26

14 For a great part of the year we have been effecting our remittances at the fixed figure of 1s 6 $\frac{1}{16}$ d and we are now able to anticipate that the average rate of exchange for the year as a whole for accounts purposes will be 1s 6 $\frac{3}{4}$ d as against the Budget figure of 1s 6d. Apart from an improvement of 6 lakhs in our railway revenues which affect us only indirectly, and again of 7 lakhs in regard to our capital expenditure, the revised figure for exchange accounts to the extent of 10 lakhs for an improvement in our revised budget of revenue and expenditure.

15 The variations in the largest item of our expenditure, Military Services, are not of the same magnitude as in previous years. The net expenditure on Military Services, according to the Budget estimate for the current year, was 56 $\frac{1}{2}$ crores. Accuracy in reaching a revised figure for military expenditure at this period of the financial year is always specially difficult to attain, but the course of expenditure up to date points to a total net figure of 56 28 crores, or practically the same figure as our first forecast. Scrutiny of the account for non-effective services between India and the War Office has led to a special credit, for which no provision was made in the estimates of about 70 lakhs, representing a revision of the account with retrospective effect from 1919. As against this expenditure in India has markedly exceeded the estimate in certain directions. A special provision amounting to 40 lakhs has had to be made for the purchase of certain kinds of ordnance equipment in which serious shortage has been disclosed. His Excellency the Commander-in-Chief has instituted an expert inquiry into

crores, or 18 lakhs lower than the estimate. On the other hand, there is a saving of 19 lakhs in working expenses which, owing to certain abnormal circumstances which I shall explain shortly, are now estimated to amount to 9.57 crores. This makes the net receipts 67 lakhs as against our anticipation of 65½ lakhs. This figure is of course exclusive of interest charges. At the time of the Budget it was anticipated that the final result of the working of the department for the year, after adjustment of interest, would be a small loss of Rs. 60,000. The figure included in the Budget for interest was 66 lakhs and was based, as I explained a year ago, on a rough figure, not at that time completely examined, for the total capital outlay on the Indian Posts and Telegraphs Department. The figure taken was lower than the capital outlay as shown in our books, and the intention was that the interest actually charged should be based on the depreciated block value of the assets of the department on the 1st of April 1925 when finally ascertained. The departmental investigations into the value of this block have now been completed, but the report is still under consideration. According to the figures in this report, the value of the assets is very much less than the book value, but the exact figures have still to be settled. For the present, I have felt justified in taking a round figure of 49 lakhs for interest as against the figure of 66 lakhs taken in the Budget. On this assumption, the net result of the working of the department as a whole is a profit of nearly 18 lakhs. This surplus is, however, non-recurring. The expenditure on postal stationery and stamps included in working expenses was 10 lakhs below the normal owing to the fact that the department was eating down stocks during the year. In addition, a previous wrong adjustment to the extent of about 8 lakhs under the head of Stationery and Printing charges has had to be corrected in this year's accounts, thus reducing the working expenses by a non-recurrent sum of 8 lakhs. The true estimated profit is thus reduced to vanishing point unless further savings accrue in working expenses, and unfortunately there is still some doubt as to the correctness of the figure for interest.

19 The House will remember that in my Budget speech a year ago I explained that it was proposed to transfer to capital the stocks of postal and telegraphic stores carried on revenue account on the 31st March 1925. The total value of such stores in the Indian Posts and Telegraphs Department was then estimated to be 1.24 lakhs. The actual balance has proved to be 1.61 lakhs. The stocks held in the Indo European Telegraph Department have also to be taken into account, and as the credit on this account has proved to be 15 lakhs more than we allowed for, the total amount of this non-recurring credit to Revenue during the year 1925-26 will be 1.81 lakhs.

20 It will be seen that the revised estimates of revenue and expenditure for the current year have had to be arrived at after taking into account considerable variations not contemplated in our Budget estimates. The most important of these apart from the results of suspending the Cotton Excise Duty are the increased credit to revenue of 52 lakhs from Posts and Telegraphs stores which I have mentioned, the increase of 24 lakhs in the value of the stocks of opium at treasuries taken over and paid for by Local Governments this year, the transfer of 17 lakhs of revenue expenditure to capital account in the case of the Security Printing Press at Nasik, and the decrease in net expenditure under the head of Interest amounting to 30 lakhs resulting from the payment by the Bombay

Government of interest for fifteen months instead of twelve. All of these four items are in the nature of book-keeping transactions, but they have none the less the effect of swelling our surplus. The figures given in the Budget estimate for revenue and expenditure for the year were 130.68 crores and 130.11 crores respectively, leaving an estimated surplus of 21 lakhs. The improvement shown in the revised estimates is 1.06 lakhs, the figure for revenue being 131.35 crores and for expenditure 130.05 crores. The four special items which I have mentioned aggregate 1.23 crores and more than account for the increased surplus.

21. The following statement shows the main variations in revenue and expenditure working up to this total —

	Lakhs	
	Better	Worse
Customs	50	
Taxes on Income		1.10
Salt		55
Opium (net)	18	
Interest receipts	13	
Currency receipts	16	
Extraordinary receipts	21	
Interest on debt (net)		5
Posts and Telegraphs	77	
Railway contribution	8	
Other heads	13	
	3,16	2,11
Total, better	1,06	
Budget surplus	21	
Revised surplus	1,30	

22. This anticipated surplus would in the ordinary course be applied automatically to the reduction or avoidance of debt. The Government of India, however, desire to place before the Legislature a proposal for the utilisation of 50 lakhs of this surplus for the formation of an Indian Archaeological Fund. The details of the proposal which will be embodied in a Bill will be explained more fully to the House in due course. Its financial effect will be to apply 50 lakhs of the surplus, which would otherwise go to debt redemption, for the purpose of capitalising our liabilities in connection with archaeological research. It is not therefore except in form a departure from the sound rule that a realised surplus should go to reduction of debt. Future budgets will be saved from a revenue charge on this account, but as it may be assumed that our outstanding debt will be 50 lakhs higher than it would otherwise be and our interest charges consequently increased, the net ultimate effect on future budgets is nil. Its immediate effect upon

our revenue estimates for the current year will be to reduce the revised figure for the surplus to 80 lakhs

23 We who are living in Delhi do not need to be reminded of our debt to the Archaeological Department. When in the intervals between our deliberations we visit any one of the historical monuments that surround us, we realise the care and skill which have been devoted to preserving these ancient structures and to beautifying their surroundings. We realise and are grateful. But this is not the only side of the Department's activities. There is another which is perhaps less well-known, the work of excavation. Some of us have had the privilege of visiting Taxila and studying the fascinating antiquities, taking us back two thousand years in Indian history, which have been unearthed there in the last two decades. We are glad that they are now to be housed in a suitable museum. But if Taxila takes us back two thousand years, the recent discoveries at Harappa and Mahenja-Daro will, if the evidence is confirmed, transport us in one flight to a period of Indian history three thousand years earlier. Nay more they hold out expectations of enabling us to get back thousands of years earlier still to a period in human history which was as remote from the inhabitants of Mahenja-Daro in the year 3000 B. C. as those ancient Indians of the Indus valley are from us to day. The Indo-Sumerian discoveries open up a vista which may once again revolutionise the world's knowledge of the early history of mankind. Their possibilities are such that they must excite even the most unimaginative.

24 Sir John Marshall, to whom since the day when the late Lord Curzon brought him here Indian archaeology owes a very great debt, has stated that a hundred crores of rupees could be spent on archaeological research in India without doing more than scratch the surface. Almost the only source from which funds are at present available for excavation in India and Burma is the Central Budget. However desirable archaeological expenditure may be in the cultural interests of India and of mankind, it is obvious that the taxpayer cannot be asked to give more than comparatively small sums. In 1923-24 the grant for Archaeology was cut down severely under the influence of retrenchment. In 1925-26 the sum available for research was about 1.8 lakhs including the provision made in connection with Sir Aurel Stein's special work in Central Asia. The Finance Department have been pressed to provide a considerably larger sum in 1926-27, but we intimated that about 2½ lakhs was the maximum which we could see our way to grant.

25 Meanwhile, in spite of the obvious importance of following up the recent discoveries, the Archaeological Department have found that they cannot frame a considered programme for a period of years and cannot train young Indians as archaeologists in the absence of the possibility of giving them security of tenure or employment. The idea has accordingly been mooted that an Indian Archaeological Fund should be started, and a Board of Trustees established somewhat on the lines of the Trustees of the British Museum. Once the Fund came into effective existence, it might, it is hoped, attract donations from Indian Princes and from others interested in archaeology and from winter visitors to India whose imagination is always stirred by Indian monuments. The essence of the proposal which will be placed before the Legislature therefore is that, instead of voting a grant of 2½ lakhs in the estimates for 1926-27 it should make a supplementary grant of 50 lakhs out of the surplus of 1925-26 as an initial endowment for the Fund. As I have already explained, this amounts to

little more than a book-keeping change so far as our budgets for 1926-27 and for future years are concerned. Meanwhile, however, the Fund will be well started, the interest on the endowment of 50 lakhs will bring in approximately 2½ lakhs a year to be spent on archaeological research. The Trustees will be able to make an attractive appeal in other quarters for additional endowments and can go ahead to frame a programme and to train budding archaeologists. Archaeological education is the most practical form of historical research, and it is a form in which I am convinced India can make an immense addition to the world's historical knowledge. But it is ineffective unless it can be pursued on an adequate scale and according to a programme based on the regular receipt of at least a minimum income. The income of the proposed Archaeological Fund will be devoted to systematic and continuous archaeological excavation. The people of India are justly proud of their past and I feel sure they will welcome the establishment of this endowment for historical research.

WAYS AND MEANS AND PUBLIC DEBT

26 The real improvement which has come about in the finances of the Government of India during the last few years and the strength of our position during the financial year 1925-26 are strikingly reflected in the figures of our Public Debt and of our debt position generally and in the story of our ways and means operations. The House will remember that in my Budget speech last year I stated that not only did we not anticipate any necessity for borrowing outside India during the year, but also that the maximum amount that we should require to raise by a rupee loan in the open market in India would be 12 crores. I stated that it was not improbable that at the same time as we approached the market for a rupee loan we should also place before the public a conversion offer with a view to beginning operations for the conversion of early maturing bonds. In the event, we found ourselves able in June 1925 to announce that our operations in the market in India would be confined to a conversion loan in view of the improvement shown by the figures of our actual balances on the 31st March 1925 in comparison with our anticipations indicated in the revised budget figures. This increase in balances was mainly due to the increase in the net railway earnings which affected both our revenue surplus and our ways and means position, and to the drawings upon us by the Provincial Governments proving very much less than they had anticipated at the time they framed their budgets.

27 Our ability to dispense with a cash loan was most welcome to the money markets of India, but it was a subject of some comment in various quarters that the estimates framed at the time of the introduction of the Budget were proved only three months later to be so far out. I am inclined to think that the phraseology consecrated by long usage in Indian budget speeches which refers to the ways and means portion of the statements as a "Ways and Means Budget" is somewhat misleading, in that it may tend to give the public the impression that the figures and estimates in the ways and means portion of the Budget make a claim to comparative exactness not inferior to that made by the figures of our revenue and expenditure estimates. Our Ways and Means Budget is intended to be and necessarily must be illustrative rather than exact. The ways and means figures bring together the net results of operations of very varying character all over India and Burma and in London. To a large extent these operations are either not under the control of the Government of

India at all or only very indirectly under their control. The aggregate result of the variations in the estimates of incomes and outgoings of the Provincial Governments on Revenue and Capital account brought to light between the date at which the Central Budget figures were prepared and the date when the balances of the Provincial Governments on the 31st March 1925 began to be approximately ascertained—a period of from 3 to 4 months—accounted for a reduction of not far short of 6 crores in our estimate of the finance required during the year 1925-26 for meeting aggregate outgoings. Apart from the operations of the Provincial Governments, our balances are affected by the incomes and outgoings on account of various deposit and advance heads, sums received and paid out in respect of provident funds of various descriptions, deposits and withdrawals of the Post Office Savings Bank, and purchases and encashments of Post Office Cash Certificates. In these circumstances it is neither possible nor desirable to attempt to lay down a rigid way and means programme far in advance. The only result of doing so would necessarily be to swell our balances needlessly. At the same time it is certainly desirable that we should do anything that may reasonably be possible to secure greater accuracy in the estimates of Provincial Governments' incomes and outgoings, and I am not entirely satisfied that improvement in the machinery for dealing with our deposits and advances accounts is unattainable. These and cognate subjects are at the present moment engaging the careful attention of the Finance Department of the Government of India.

28 The decision to confine our market operations to the conversion loan in the summer of 1925 has been amply justified by results. In spite of heavy remittances in advance of requirements in London, we have been able to finance our outgoings in India without serious inconvenience and without resort to the money market for temporary accommodation or assistance from the Imperial Bank in the form of ways and means advances. The conversion loan resulted in conversions of bonds maturing during the years 1925 to 1928 to a total of 30.61 crores, of which over 25½ crores were conversions into the 5 per cent income-tax free loan of 1915-55 and about 4½ crores into the new issue of 10 year bonds liable to income-tax. The conversion loan involved immediate cash payments which amounted to 87.6 lakhs. This sum however, included the premiums on 1925 and 1928 bonds to the extent of 23.4 lakhs which would have had to be paid at maturity in any case. The additional amount of cash payments involved may therefore be put at 64.2 lakhs. As the result of the conversion loan we have effected an annual saving in interest on the bonds converted of approximately 18.7 lakhs and in addition 4½ crores of the public debt have become subject to income tax instead of being income-tax free. Moreover, apart from this considerable reduction in our annual charge for interest we have reduced our liabilities for the repayment of maturing loans during the next three years by nearly 29 crores and in particular our liability in respect of the 6 per cent bonds maturing in September 1926, has been brought down from 37.9 crores to 20.05 crores. This operation has thus materially eased the problem of dealing with our maturing debt, the magnitude of which I had occasion to explain to the House in a speech on February 18th, 1925, as well as in my Budget speech a year ago, and we hope to reap further reward from this successful conversion operation when the time comes for the issue of a rupee loan next summer.

29 Before dealing with this latter question it would be convenient for me to summarise our ways and means position for the years 1925-26 and 1926-27. The figures are as follows —

	(Figures in crores of rupees.)	
	Revised, 1925-26	Budget, 1926-27
<i>Outlay</i>	Rs	Rs
1 Railway capital outlay	19 5	26 0
2 Other capital outlay (including Delhi, Post and Telegraphs, Vizagapatam Harbour, etc.)	4 5	2 5
3 Provincial Governments, transactions	6 0	7 0
4 Discharge of Debt	38 3	23 8
	<hr/> 68 3	<hr/> 59 3
<i>Resources</i>		
1 Surplus	8	
2 Rupee Loan	30 6	22 0
3 Postal Cash Certificates	6 4	4 0
4 Other unfunded debt (including Postal Savings Banks)	5 8	5 6
5 Debt Redemption	5 0	5 0
6 Depreciation and reserve funds	7 0	5 6
7 Miscellaneous (net)	7	2 1
8 Reduction of Cash balance	12 0	15 0
	<hr/> 68 3	<hr/> 59 3

30 The House will share the satisfaction of the Finance Department and of the Government of India in the strength of the position which these figures disclose. During the year 1925-26, instead of borrowing over 7 crores net in the market in India as anticipated in the Budget statement, we have discharged 2 crores net of market debt in India and have paid off 5.7 crores of market and other debt in England. Nevertheless, we have financed during the year new capital expenditure chargeable to loan funds to a total of 30 crores of which 6 crores is on behalf of Provincial Governments through the Provincial Loans Fund. How has this striking result been achieved? A fuller explanation would involve a closer analysis of the figures than is perhaps desirable in a Budget speech, and I must be content to refer only to the main items. Our capital expenditure has been financed in the first place to the extent of about 12 crores by a reduction of balances, though these are still about 14 crores higher than we anticipated a year ago. Our Debt Redemption scheme gave us 5 crores and our revenue surplus will give us 80 lakhs. The Post Office Cash Certificates and other unfunded debt, including the surplus of Post Office Savings Bank deposits over withdrawals, and the railway reserve and depreciation funds provided us with the balance. The incomes from railway reserve and depreciation funds and from cash certificates were in each case about 2 crores more than we had estimated.

31 In 1926-27 maturing debt falling due for repayment including railway debentures to be redeemed in England amounts to nearly 24 crores. The capital expenditure of the Central Government amounts to 28½ crores.

of which 26 crores is railway capital outlay. The Provincial Loans Fund estimate shows an outgoing of 7 crores for advances to Provincial Governments. We thus require nearly 24 crores for maturing debt and 35½ crores for new capital expenditure or nearly 60 crores in all. In order to meet this liability we expect to be able to draw further on our cash balances to the extent of 15 crores. We look for 11½ crores from miscellaneous sources including Post Office Cash Certificates and other unfunded debt, and about 5 crores each from the Debt Redemption provision and from railway reserve and railway and other depreciation funds. So far therefore as we are able to judge from our present estimates, we shall require to raise a loan in the money market of an amount not exceeding 22 crores. There is no likelihood of our having to resort to external borrowing during 1926-27, this being the third year in succession in which the issue of an external loan will have been avoided. We expect to confine ourselves accordingly to the issue of a rupee loan in the Indian money market for a sum not exceeding 22 crores, of which 20 crores will be for the renewal of the bonds maturing next September. The net amount of new money required from the Indian market will not exceed 2 crores, which is less than the amount needed to pay off external debt in London. More than the whole of our new capital programme amounting to over 35 crores will be financed without recourse to market borrowings. It will be a matter for consideration whether at the same time as we issue our rupee loan we should offer a further opportunity to holders of bonds maturing after 1926 for anticipatory conversion, as we did last year.

32 In any case I feel confident that the strength of the position thus disclosed following on what was achieved during 1925 will have a markedly favourable effect on the terms on which we shall be able to borrow. The progressively falling rate of interest at which our loans in India have been taken up by the public will continue to operate to our advantage. Our conversion issues last summer were offered on a basis of 5 per cent tax-free or about 5½ per cent subject to tax. It is interesting to observe that the new 5 per cent bonds subject to tax are now quoted in the market at a price showing a considerable premium over the issue price and our 5 per cent tax-free loan 1945-55 now stands definitely above par. The following figures showing the market prices of Indian Government securities in India for the last four years tell their own tale.

MARKET PRICE ON

	1st February, 1923	1st February, 1924	1st February, 1925	1st February, 1926
	Rs. A.	Rs. A.	Rs. A.	Rs. A.
5 per cent Tax-free loan 1945-55	85 4	96 10	97 15	100 12
3½ per cent Indian Gov- ernment Rupee loan	57 0	66 0	66 9	70 8

33 While I am dealing with this subject, I shall like to draw attention also to the movement of prices for Indian Government stocks in London, which brings out clearly the advance in the Indian Government's credit in that market which has resulted from the absence of any new borrowing since May 1923 and from the general improvement in India's financial position. As I pointed out last year, we were fortunate in the rate we secured in May 1923 for our last loan in London. Generally speaking,

prices of gilt edged securities on the London market stood at a higher level at that period, than they have done at any time since that date, when we offered £20 million of India 4½ per cent stock to the public at 90. The market prices of gilt edged securities in London including Indian Government loans are at all times governed by the general conditions of the market, and have during the last year been considerably affected by the comparative stringency which followed on the steps taken to restore and maintain parity of sterling with gold. The following figures compare the price of India 3½ per cent and 3½ per cent stock in London in April 1914, April 1923 and February 1926, with the prices of certain other gilt edged securities at the same dates

	30th April, 1914	30th April, 1923	1st February, 1926
India 3½ per cent loan	75½	60½	58
India 3½ per cent loan	88½	70½	68
Local loans 3 per cent stock	87	69½	61½
London County Council			
3½ per cent stock	97	79½	73
3 per cent	81	68½	63

I give a further table comparing the price of India 4½ per cent stock on 30th April 1923 and 1st February 1926 with the price of British Government 3½ per cent conversion loan on the same dates

	30th April, 1923	1st February, 1926
India 4½ per cent. stock	90½	88½
3½ per cent conversion loan	81	76½

It will be seen that, though owing to general market conditions the prices of Indian Government securities are lower now in London than they were either in April 1923 or in April 1914, the credit of the Government of India stands considerably higher in the market in relation to that of the British Government and other gilt-edged borrowers than it did either in 1914 or in 1923. Another rather remarkable conclusion which emerges from these figures is that the Government would at the moment at least have to pay rather a higher rate of interest for money borrowed in London than for a loan issued in India.

34 It is not open to doubt that the improvement in India's credit to which I have drawn attention is due to the strenuous efforts made by the Government of India and the Legislature to restore and maintain complete budgetary equilibrium and to the policy which we have adopted in regard to provision for reduction and avoidance of debt and to strict adherence to our rule of borrowing only for purposes which are clearly reproductive. The effect of this policy of encouraging whenever possible all sound schemes that come forward for capital expenditure of a reproductive character and using our credit in the market only for the purpose of financing such reproductive expenditure, apart of course from the financing of maturing liabilities, is further illustrated in the figures which I now proceed to give regarding the Debt of India. As this is the last Budget with which the present Assembly will be called upon to deal I have had figures prepared showing the position of our debt as on the 31st March 1923 in order to bring out the changes which have taken place during the three financial years corresponding to the three years of life of the present House.

Statement showing the Debt of India, outstanding on the 31st March 1923, 31st March 1924, 31st March 1925 and 31st March 1926

	31st March, 1923	31st March, 1924	31st March, 1925	31st March, 1926
<i>In India —</i>		(In crores of rupees)		
Loans	339 83	358 81	370 38	368 35
Treasury Bills in the hands of the public	21 59	2 12		
Treasury Bills in the Paper Currency Reserve	49 65	49 65	49 65	49 65
Other Obligations—				
Post Office Savings Banks	23 20	24 79	25 64	27 48
Cash Certificates	3 13	8 42	13 12	19 52
Provident Funds, etc.	36 17	39 00	42 39	46 27
Total Loans, etc.	411 07	410 58	420 03	418 00
Total Other Obligations	62 50	7 21	81 15	95 27
Total in India	473 57	482 79	501 18	511 27
<i>In England —</i>		(In millions of £)		
Loans	222 92	244 53	263 39	266 43
War Contribution	19 71	15 27	18 81	18 32
Capital value of liabilities undergoing redemption by way of terminable railway annuities	61 31	60 10	58 84	57 53
Provident Funds, etc.	04	13	16	20
Total in England	303 98	324 03	341 20	342 48
Equivalent at 1s 6d to the Rupee	405 31	432 04	454 93	453 64
Total Debt	878 88	914 83	956 11	967 91
Productive { for Central Govern- { for Provinces	536 65 87 49	557 09 97 56	600 05 106 43	627 71 114 39
Total Productive	624 14	654 65	706 48	742 10
Unproductive	254 74	260 18	249 63	225 81
Total	878 88	914 83	956 11	967 91

95 In order to show the figures of our external debt in a significant way, I have converted sterling at the current rate of 1s 6d per rupee not only for 1925 and 1926 but also for 1923 and 1924. The improvement in our exchange has undoubtedly given us some temporary relief in the burden of interest and other payments on sterling debt, and its effect of course is to bring about a marked reduction in the rupee figure as compared with what it would have been at 1s 4d. It must be assumed, however, that the higher rate of exchange has no permanent effect on the actual burden imposed on the country in meeting our external obligations since, if the number of rupees required is reduced, the commodity value or purchasing power of each rupee is correspondingly enhanced. The effect of taking

1s 6d is also particularly noticeable in regard to the unproductive debt figures. It will be seen that our total debt of all kinds had increased from 878 88 crores on the 31st March 1923 to 956 11 crores on the 31st March 1925 and by a further 11 80 crores to 967 91 crores on the 31st March 1926. The unproductive debt was 254 74 crores on the 31st March 1923, 249 63 crores on the 31st March 1925, and will be 225 81 crores on the 31st March 1926 out of a total debt of 967 91 crores. At the present moment it may be said, in order to put the position in a graphic way, that the whole of our rupee debt and more than half of our sterling debt is productive, and that our unproductive debt is now less than one quarter of the whole debt. Excluding the Provincial Governments' debt, the increase in the productive debt during the current financial year amounts to 27 66 crores while the increase in the three years since 31st March 1923 amounts to 91 06 crores. Unproductive debt has decreased during the year 1925-26 by 23 82 crores.

36 Our internal debt, excluding Provincial Governments' debts to the Government of India, on the 31st March 1923 was 386 08 crores, on the 31st March 1925, 394 75 crores, and on the 31st March 1926, 396 88 crores. Our external debt on the 31st March 1923 was 405 31 crores, on the 31st March 1925, 454 93 crores, and on the 31st March 1926, 456 64 crores. The increase in our external debt during the current year is, as last year, purely nominal. The latter figure includes 4 67 crores or £3½ million of Great Indian Peninsula Railway Company's debentures which exactly as was the case in 1924-25 with the 24 67 crores or £18½ million of East Indian Railway Company's debentures, are not really an increase in the debt of India as a whole but are merely a transfer from the railway company to the Government of the liability to meet the same interest charge out of the earnings from the same Railway. These two operations more than account for the whole of the increase in the net amount of our sterling debt since 1924. In real truth the operations of the last two years have effected a considerable reduction in India's external liabilities, since besides taking over the debentures of the railway companies concerned the Government of India have bought out the shareholders of these railway companies without borrowing in London for the purpose, thus converting an external debt into an internal debt. A further operation of the same sort will take place on the 1st April 1926 when a sum of £3 million provided out of the Government of India's rupee resources and remitted in sterling to London will be applied to buying out the shareholders of the Delhi Umballa-Kalka Railway.

37 I have more than once publicly stated my conviction that if India would only learn to use her potential capital in greater measure for productive purposes than she does at present—I do not mean merely for investment in Government securities—and by the development of the banking and investment habit would make available for remunerative expenditure in India a larger portion than she now does of the surplus which she earns annually by the export of her products not only would an immense impetus be given to the commercial and industrial development of India's resources and new and attractive fields opened for the employment of her educated young men but the process of converting external debt into internal debt could be very greatly accelerated. In two years the taxpayer of India has managed without increasing his external obligations, to purchase for his own use and profit the equity of the East Indian Railway, the Great Indian Peninsula Railway and the Delhi-Umballa Kalka Railway. Is not this

an object lesson of what the future may have in store if we set our minds wholeheartedly to the development of our own internal resources by the wise application and investment of our own internal capital? The Government are doing what they can to forward the movement, but much must depend on private enterprise and initiative, on the spread of education of the right kind and on the combating of what has been well designated by my friend Mr Rushbrook Williams as India's "uneconomic tradition which does not recognise the production and accumulation of wealth as being among man's legitimate aims." There are those, I know, who fear that acceptance of the legitimacy of such an aim would involve a prostitution of India's highest self to ignoble ends. What shall it profit a man if he gain the whole world and lose his own soul? If I believed that India's adoption of this western economic doctrine would jeopardise the high achievements of India's speculative thought and sacrifice her spirituality to a materialistic and selfish creed, I would unhesitatingly range myself with the opponents of change. I do not think it is open to challenge that the depths of understanding of man's relation to the Infinite which have been attained by the best of India's speculative thinkers hold out to Western civilization as it exists to day a hope of spiritual progress—I stress the word "progress"—which is an essential complement and corrective to the materialism which springs from over-emphasis on the practical business of conquest of Nature's secrets and the compulsion to man's service. India long ago revolutionised mathematics and provided the West with the key to the most far-reaching of all among the mechanical instruments on which its control of nature has been built, when it presented to Europe through the medium of Arabic the device of the cypher upon which all modern systems of numeration depend. Even so, India, to day or to-morrow, will, I feel confident, revolutionize Western doctrines of progress by demonstrating the insufficiency and lack of finality of much of the West's present system of human values. But I do not think that the denial of all value to western endeavours to increase the production and accumulation of wealth is essential as a support to the Indian philosophy of life. I hold that increased production and accumulation of wealth are a means—in themselves indifferent, neither good nor evil—but an indisputable means towards the attainment of a higher ideal, the broadening and deepening of life's meaning for the individual and still more for the mass of mankind. What matters essentially is the purpose with which they are striven after, and East and West alike can and ought to strive after them as a means to a higher end. It is an Indian commentator on Mr Rushbrook Williams' challenge who has said that the trouble is that this uneconomic tradition has not made the Indian less materialistic than the European, but it has made him a worse materialist.

38 Among the instruments of our policy of encouraging the investment habit, the Post Office Cash Certificate takes a prominent place. This security combines in itself features belonging to savings bank deposits, in particular the facility for encashment at any time and protection against any risk of depreciation in value, together with some of the characteristics of an investment. It may be regarded as the ideal security for the very small investor enabling him to cross the bridge dividing a depositor in a savings bank from a holder of marketable investment securities. It has been observed in England, and is no doubt true in India also, that a considerable portion of the money withdrawn when Savings Certificates are cashed is not

really thereby withdrawn from investment altogether, but is used for the purpose of reinvestment by the holder, for example, in house property, in the purchase of a business or in a marketable security of some kind. The money would very likely not be saved at all if it had not first of all been attracted to the profitable purpose of the purchase of one and then another cash certificate. It is then accumulated for a period at compound interest and when it comes to be withdrawn the sum now grown to larger dimensions is added to the invested capital of the country, and all the time a new class of small investor is being created by this process. During the year the popularity of the Post Office Cash Certificate has been even more pronounced than before and any action tending to check the growth of the habit of investment in cash certificates would be contrary to the true interests of India.

39 At the same time it must be realised that the rate of 6 per cent compound interest, which is obtainable on a cash certificate held until maturity, is now unduly high when regard is had to the general fall in the rate of interest obtainable on other Government securities. We are moving on, as I have already said, towards a period when even 5 per cent will seem a high rate of return on an investment issued on the security of the Government of India. The recent action of the Imperial Bank of India in reducing its rate of interest for savings bank deposits to $3\frac{1}{2}$ per cent may be cited as a further proof of the passing of the period of high interest rates generally. We are therefore considering the question of making some alteration in the terms on which the Post Office Cash Certificates are at present offered for subscription, while at the same time introducing certain new measures which will add to the popularity of these certificates and prevent any reduction in the yield from checking seriously the growth of the habit of investing in them. I have observed recently some criticism of the Government's policy in offering these certificates for sale on the ground that the growth of bank deposits is thereby checked. In so far as these complaints have reference to the high yield at present obtainable, the reduction which we contemplate should remove any ground for objection. But I take issue with these critics when they imply that the general policy of issuing cash certificates militates against other forms of saving and depositing of savings with banks. No truth has been more firmly established by the experience of all the countries which have adopted and extended the system of cash certificates or corresponding securities than that the general stimulus to saving and investing which they produce reacts beneficially on all other forms of saving.

common complaint against this policy is that it adds to the burden of the taxpayer of to-day by postponing the date when Provincial contributions can be further relieved and taxation reduced. I challenge even this conclusion. The direct result of our policy on the Budget figures for 1926-27 is that our total charge for interest is over 1 crore less than in the revised estimate for 1925-26 and 3 44 crores less than in 1923-24. A continuance of this policy is certain to lead, in the absence of untoward incidents, to a considerable further reduction in the charge for interest in 1927-28 and future years. Departure from it would have disastrous effects on the rate of interest which we should have to pay for renewals of our maturing debt and for the new capital required for reproductive purposes. If we are able this year to bring to an end the unhappy history of the Cotton Excise Duty, it is largely because of the reduction in our interest charges. Nor is it only the taxpayer of the Central Government who benefits by the results of this policy. The figures I have given relate to the net charge for interest in the Central Budget alone. If railway rates and fares are in process of reduction, it is in part due to the reduction in the charge for interest on capital, present and future, invested in our railway enterprises. If some of the Provincial Governments have received relief in regard to their Provincial contributions and if they and the other Provincial Governments are hoping for further relief, it is to an appreciable extent the reduction in our interest charges which has enabled us to do what we have done and which justifies our hope and theirs of further relief. Not only so, but the reduction in the charge for interest directly affects their own budgets, in that it serves to reduce the rate which they have to pay for their borrowings from the Central Government. A year ago the House showed its recognition of the wisdom of our policy regarding provision for reduction and avoidance of debt by endorsing that policy and voting in full the demand in which that provision was included. To-day I am able to show to the House the direct benefits of its wise action in this matter, and I trust that the House and the country will now realise that it is not from any desire to maintain taxation at a higher level than is absolutely unavoidable that we insist on the debt policy which we have adopted, but that such a policy is directly calculated to bring real advantages and real relief to the taxpayer of to-day as well as to the taxpayer of to-morrow.

41. Before I pass on to the Budget estimates for 1926-27, I desire to refer briefly to some not unimportant changes which have been made this year in the form of the documents which will shortly be placed before the House.

A year ago, as the House will remember, we introduced various changes in the form of the Demands for Grants in the light of observations made by the Public Accounts Committee. This year we are in possession of the results of an inquiry conducted at the request of the Public Accounts Committee into the possibility of improving the appropriation reports on lines suggested by that Committee. The Auditor General's recommendations were considered by the Public Accounts Committee in August last and received their general approval, and their wishes are being carried out in the Appropriation Reports for the year 1924-25 now under preparation. In order to bring the Demands for Grants into general conformity with the Appropriation Reports and thereby to facilitate comparisons between estimates and actuals, corresponding changes have been made in the form of the Demands for Grants for 1926-27. Each grant is now shown sub-divided into a number of sub-heads and the actual expenditure will be accounted

for under each so that the Public Accounts Committee, when they scrutinise the final accounts, will be able to compare without difficulty the actual expenditure with the budget provision under each sub-head and to fulfil more easily their constitutional task of examining the extent to which savings under one sub-head have been utilised by the Executive Government towards extra expenditure under another. The existing division by circles of account has, however, been retained and details of expenditure are given in the same fullness as before. Another change which will jump to the eye of anyone using these volumes is that we have reduced most of them to octavo size—a change which effects a considerable reduction in the cost of printing. It is not possible to alter the size in all cases this year, but our intention is to complete the process of conversion to octavo size in full a year hence.

42 A separate demand will be included in the 1926-27 Demands for Grants for expenditure in connection with the separation of Audit from Accounts in the United Provinces. This measure has been advocated by the Retrenchment Committee and by the Reforms Enquiry Committee from different points of view. The latter Committee held that separation of Provincial from Central finance was an essential preliminary to any appreciable advance towards provincial autonomy in financial matters, but before such separation can be accomplished, Provincial Governments must be in control of their own Accounts. Audit, however, appears to be a subject which should remain as at present in the hands of a single authority, the Auditor General, all over India. The separation of Audit from Accounts is therefore involved as a preliminary to further advance and it appears to offer other incidental advantages. I need only mention two at present. The new system of accounting which we propose to introduce greatly facilitates a closer and more efficient control of expenditure by the Department responsible for that expenditure as a continuous process during the period of the expenditure. The Audit department, on the other hand, is relieved from the mechanical routine duties involved in the present system and its audit becomes more searching. With the approval of the Secretary of State, therefore, we have decided as an experimental measure to introduce the new scheme of separation, as from 1st April 1926, in the accounts of the United Provinces whose Government have expressed their desire for its introduction.

BUDGET ESTIMATES FOR 1926-27

Expenditure

43 The form in which the detailed Military estimates will be placed before the House has not been materially altered as *Military expenditure* has been done in the case of the Civil estimates, and the changes are confined to a more logical rearrangement of minor heads. As Honourable Members are aware, a Committee has been appointed to investigate the system of Cost Accounts at present in force in the Army, with a representative of the Public Accounts Committee of this House among the members. Our experience of the present system of cost accounts during the last four years and the fact that the British Government have recently decided to introduce radical modifications into the system of cost accounting in the British Army led us to the conclusion that such an inquiry had become necessary in India. Material changes in the form of the military estimates have therefore to be postponed pending the examination of the recommendations of that Committee. Fuller explanations have, however, been given of the various details of the military estimates in view of

the desire expressed in the course of the Budget debates last year by members of this House

14 The net military expenditure for the year 1926-27 is estimated to amount to 51.88 crores, i.e., a reduction of 1.37 crores as compared with the Budget estimates for 1925-26, thus marking a further stage in advance toward the goal set by the Retrenchment Committee. The provision for established charges amounts to 51.21 crores, the balance representing remnants of special post-war charges. The figure of 51.88 crores includes a sum of 16 lakhs for the payment of gratuities to demobilised officers, this being the last year which will be burdened with a charge of this character. 23 lakhs have been provided for the completion of the building programme in progress in Waziristan and for the Royal Air Force. On the other hand, we appear for the moment to have come almost to the end of the surplus war stores which have been a feature on the credit side of the account for some years past. We are allowing for a credit of only 25 lakhs under this head as compared with 70 lakhs in the Budget estimate of 1925-26 and 1,10 lakhs in 1921-25. The figure of 51.21 crores net for established charges includes a sum of approximately 60 lakhs for new urgent measures mainly of a non-recurring nature for the purchase of new equipment.

15 Among the more salient features in the new estimates I may mention first the disappearance of provision for one British Cavalry regiment, costing a sum of 22 lakhs a year, which has now been dispensed with, this being the last of the specific reductions of the strength following on the recommendation of the Retrenchment Committee which remained to be carried out. Charge for pensions in India and in England show a recurring reduction of 37 lakhs, while payments to the War Office for British transport charges have been brought down by 17 lakhs. It has been necessary to provide an additional 20 lakhs owing to higher prices for articles of food and forage, and an additional 20 lakhs is also included for the purpose of accelerating the programme of deification of barracks and of building of new lines for Indian troops. As set off to this last liability, an additional credit of 20 lakhs is anticipated from the disposal of surplus military lands and buildings.

16 Our total expenditure on military services, including the Army, Marine, Military Works, and the Royal Air Force, amounted in the year 1920-21 to 87.1 crores net, of which about 20 crores represented special expenditure on operations in Waziristan. With the cessation of these operations, the Budget estimates for 1922-23, which formed the basis of the Retrenchment Committee's investigations, showed a net total expenditure of 67.75 crores. The recommendation of that Committee was that the Budget for 1923-24 should be fixed at 57 crores, subject to such additions as might be necessary in view of the delay which would ensue in carrying out the changes recommended and in order to meet special expenditure in Waziristan, etc. The Committee went on to say that for subsequent years the adoption of their recommendations should enable the estimates to be reduced to 57 crores, irrespective of savings due to further economies or fall in prices, and they expressed the opinion that continuous efforts to ensure further reductions should, in combination with the expected further fall in prices, enable the military budget to be reduced to 50 crores net after the lapse of a few years. The actual expenditure of the year 1923-24 amounted to 56.23 crores and the first stage of 57 crores mentioned by the Retrenchment Committee was thus passed in the first year. The figure of 56.23 crores included heavy expenditure on gratuities to demobilised officers and in Waziristan, but

these abnormal items were counter balanced by credits from the proceeds of sale and utilisation of surplus stores. The Budget for the year 1923-24 allotted a net sum of 62 crores for military services. This was reduced in the Budget for 1924-25 to 60½ crores, but by the time when the Budget for 1925-26 was under consideration the actual effect of the retrenchment operations, which it had been difficult to gauge in advance, had become apparent, and it was possible to reduce the budget provision for 1925-26 to 56.25 crores net.

47 The following table brings out the results achieved at a glance —

Net expenditure of Military services

	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27.
					(In crores of rupees.)	
Budget estimate	66.82	67.75	62.00	60.5	56.25	51.48
Revised estimate	69.36	67.09	59.74	56.33	56.28	
Actual expenditure	69.81	65.27	56.23	55.13		

These figures include certain disturbing items both on the credit and debit side, and it is therefore of special interest to compare the true figures of the established charges, that is, the normal cost after elimination of special charges such as those for demobilisation of surplus officers and special credits for the eating down of surplus stores. In comparing these figures with the figures given by the Retrenchment Committee, Honourable Members should bear in mind the fact that certain charges amounting in 1926-27 to 39 lakhs, of which the most important are the charges for Customs duty on imported stores and the cost of Stationery and Printing, have been added to the military estimates since 1923-24, as the result of new decisions regarding classification.

Adjusted figures of Established charges

	1923-24	1924-25	1925-26	1926-27
			(In crores of rupees.)	
Estimate	61.9	59.4	55.0	54.2
Actuals	56.7	55.8	55.2	
			(revised estimate)	

48 I cannot allow this opportunity to pass without referring once again to the deep debt of gratitude which I owe to the late Lord Rawlinson for his wholehearted co-operation and earnest determination to secure economy in expenditure on military services. His untimely death meant a grievous loss to me—I lost a personal friend and a colleague to whom I owed more than I can say—and India lost a true friend. The ideal at which he constantly aimed was an Army in India not larger than he regarded as absolutely essential in India's interests, adequately equipped and fully trained, so that India might obtain the maximum service from a fully efficient force at the minimum cost. Our military expenditure was kept during his regime under constant scrutiny by the Finance and Army Departments with the object of securing further economies. I gladly add that this policy has been continued under his successor and has the full support of His Excellency Sir William Birdwood. I am confident that adherence to this policy will result in still further reductions in our military expenditure without the sacrifice of that essential security which must always be our first aim.

49 We are fortunately able to foresee considerable savings of an automatic character in our established charges in future years, as the result of

the reduction of the rates of pay of the British soldier which came into effect in October, 1925. The immediate saving for 1926-27 under this head is not appreciable as the reduced rates of pay affect only new recruits, but it is estimated that, taken in conjunction with the reductions below present cost which will in due course result from the recent revision of the pay of officers in July, 1924, the savings from this source should amount to 12 lakhs in 1927-28, increasing annually to about 80 lakhs in 1930-31, and about 1½ crores in 1933-34. Before leaving the military estimates, I must refer briefly to the question of stocks held by the Army on which I commented last year. During the course of the year the whole question has been completely examined and considerable modifications are necessary in the figures then given which were based only on information available at headquarters. A full statement of the balances now disclosed will be found in the volume of detailed estimates. The amount of stocks held proved to be appreciably in excess of the amount indicated in the figures placed before the Retrenchment Committee, and of those on which we have hitherto been working. One of the terms of reference to the expert committee of inquiry into the arsenals and ordnance depots which I mentioned earlier in my speech is the examination of surplus and obsolete stocks, and I have little doubt that a further reduction will be effected as the result of this enquiry.

50 I now turn to our estimates of Civil expenditure. The total figure of Civil expenditure in the revised estimates for 1925-26 is 41.46 crores, the corresponding figure for 1926-27 is 41.76 crores. This small increase, which amounts to 30 lakhs, conceals a big decrease. In 1925-26 we had a big non-recurring credit, originally estimated at 1.29 crores but now ascertained in the revised estimates to be 1.81 crores, on account of the transfer of postal and telegraphic stores (including the stores of the Indo-European Telegraph Department) from Revenue to Capital. The chief feature of the expenditure of 1926-27 is the reduction whose significance I have already endeavoured to explain, of approximately 1 crore in the charge for interest. For market debt the charge for interest in 1926-27 shows a reduction of 1.79 crores on the current year's figures partly because of the effects of our conversion loan and partly because we were able to finance all our own capital expenditure including railways and the capital expenditure of Provincial Governments without adding to our market debt. On the other hand, there is an increase of 75 lakhs under Interest on miscellaneous obligations which includes interest on provident and similar funds, savings bank deposits, cash certificates and unfunded debt generally. The net reduction in interest charges is therefore as already stated about one crore.

I think be following the procedure which is most in accordance with financial propriety, and we shall at the same time avoid disturbance in our own Budget estimates arising out of the fluctuating and uncertain character of these receipts. This proposal and the proposal to bring to an end the practice of setting aside for debt purposes a sum equal to the Customs duty on stores imported on capital account are intended to be taken together. The result of the two proposals combined will be to relieve our revenues of a charge of about 7 lakhs if our estimate of receipts on reparation account is approximately correct.

57 This may perhaps be a convenient point at which to mention that we are continuing for 1926-27 the assignments on account of Customs duty on Government stores introduced as a temporary measure two years ago to those Provinces which have not yet obtained a reduction in their contributions to the Central Government. The only important item in this connection is a sum of 5.39 lakhs payable to Bombay. It is obviously desirable that these assignments which are objectionable in principle, should be extinguished at an early date and we propose very shortly to take up this question in connection with the examination of the Report of the Taxation Enquiry Committee recently published, with special reference to their proposal for modifying the existing Devolution Rule 15 in regard to the payment to the Provinces of a share in Income-tax receipts.

Revenue, 1926-27

58 I now turn to the estimates of our revenue. It is necessary to anticipate some diminution in the imports of sugar, but we may reasonably look for compensation for the sums thus lost in increased receipts from duty on cotton piecegoods and in what I may call the normal growth under other heads. On this basis the net revenue under the head of Customs is estimated at 48.15 crores, or an increase of 1.30 crores over the revised estimate for the current year. This figure includes 1.75 lakhs of revenue from the Cotton Excise Duty. This may be regarded as a fairly conservative estimate of what the yield from the duty would be if it were continued. The yield in 1924-25 the last year in which the duty was fully collected was 2.18 lakhs, while the highest figure during the last six years was 2.31 lakhs.

59 The main change in the trade conditions of 1925-26 as compared with the previous year is that the cotton mill industry in Bombay has passed through what I hope will prove to be the period of its severest depression. We have to allow therefore for an appreciable reduction in our revenue from Bombay under the head of Taxes on Income. Conditions elsewhere have been on the whole better than in the previous year and our administration is increasing all the time in efficiency. We have adopted for 1926-27 a figure of 16.15 crores of receipts under this head or 10 lakhs less than our revised estimate for 1925-26. This represents 1.20 crores less than the Budget estimate for the current year.

60 I estimate our receipts under the head Salt at the figure of 6.89 crores which assumes that accumulated stocks will have been worked down by the end of this month.

61 The gross receipts from opium are estimated at 59 lakhs below the revised figure for 1925-26 which included a large adventitious receipt under Excise opium owing to

the taking over by the Provincial Governments of stocks held at treasuries. The net receipts are estimated to be practically the same as this year, namely, 2 26 crores owing to reductions in expenditure already referred to.

62 As the House is aware, the total contribution from Railways to general revenues during 1926-27 is estimated at 6 01 crores. This represents simply the amount of the fixed contribution based on the actual receipts for 1924-25 which was a particularly profitable year. It assumes that the net gain from Railways, after deducting the contribution, will not exceed 3 crores and will accordingly be transferred in full to the railway reserve.

63 The working expenses of the Indian Posts and Telegraphs Department for 1926-27 are estimated at 10 17 crores, or 61 lakhs more than in 1925-26. The growth of working expenses is due in part to the absence of the non-recurrent features which, as already explained, made the figure of 1925-26 less than the normal, and in part to an increase in expenditure amounting to 10 lakhs due to the decision of the Railway Department to withdraw the concession of free railway passes to postal employes, and to the inclusion of a provision of about 19 lakhs for new measures designed to improve the emoluments and terms of service of the postal and telegraph staff. The concessions in the case of the postal staff involve an addition of 15 lakhs to our expenditure. The gross receipts have not kept pace with the increase in expenditure, and we can expect an improvement of only 41 lakhs, making the total of our gross receipts for 1926-27 10 65 crores as compared with 10 24 crores in 1925-26. The Post Office account alone shows an estimated profit of 20 lakhs, but there is a loss of 20 lakhs on the Telegraphs and of 10 lakhs on the Telephones, owing largely to the fact that the charge for interest is proportionately heavier in the case of the latter services. The upshot is that the estimates of the year point to a loss of approximately 10 lakhs on the working of the department as a whole. I have, however, every confidence that a revival in trade will lead in due course to a considerable addition to our revenue from telegrams which has recently been disappointingly low, and that by next year the department will be completely self-supporting. To complete the picture I must add that owing to a reduction in traffic we expect, in addition, a loss of 6 7 lakhs in 1926-27 on the working of the Indo-European Telegraph Department.

64 The House will observe that in face of these figures it is impossible for us to contemplate any reduction this year in the rates for letters and postcards—a subject on which after an interesting debate in this House a few weeks ago further discussion was adjourned in order that the whole matter might be considered in its proper setting in connection with the Budget figures. The wisdom of the course then taken is now apparent. Such a reduction of charges as was then under consideration is clearly impossible unless the taxpayer is to be saddled with the burden of a heavy subsidy in relief of the customers of our postal and telegraph system. I know that a return to pre-war rates is keenly desired in many quarters in the House and in the country, nor would the Government desire to oppose such a reduction for a moment if they believed that it was within the range of practical politics. I desire, however, to put the question frankly before the House. There is in my view no probability whatever of a return to pre-war rates for letters and postcards except at the cost of a

further economies in our military expenditure which still contains special items of a non-recurrent character

71 After giving full weight to these various considerations, we have come to the conclusion that there is no undue risk in treating the whole of our surplus as a recurrent one. I have already confided to the House the secret that the Finance Bill includes provision for the final abolition of the Cotton Excise Duty, and the privilege of sharing with the Government in the credit for this historic achievement will belong to the Legislature when the Finance Bill is passed. This leaves us with a divisible surplus available for other purposes amounting to 1,30 lakhs. The House will I feel sure have no hesitation in agreeing that past expressions of policy and the truest interests of the people of India alike demand that, after using $1\frac{1}{4}$ crores of the sum at our disposal for the reduction of Central taxation, we should devote as much as we can of the rest to the relief of the Provinces. We accordingly propose to apply 1,25 lakhs to the further reduction of the Provincial contributions in accordance with the Devolution Rules. The relief thus afforded will go to the extent of 57 lakhs to Madras, 33 lakhs to the United Provinces, 28 lakhs to the Punjab and 7 lakhs to Burma.

72 The total of the Provincial contributions fixed under the Meston Settlement was 9.83 crores. A year ago we made a permanent reduction of $2\frac{1}{2}$ crores and provided 63 lakhs for the continuance of the temporary remission of Bengal's contribution. With the additional $1\frac{1}{4}$ crores set aside now, we shall have reduced our reliance on the Provinces by 4.38 crores in all, which is not very far short of half the total. The Provinces whom fortune and the Devolution Rules favour this year are (apart from Bengal) the same as those which obtained the biggest benefit a year ago. But the turn of the other Provinces will come. They are all brought much nearer fruition by the events of the last two years and will no longer feel that the prospect of remission does not interest them. Meanwhile the taxpayers if not the Government of the Province of Bombay in particular and of other Provinces in a lesser degree secure the benefit of the repeal of the Cotton Excise Duty, the relief given in this budget being divided between the Central taxpayer and the Provincial Governments.

73 At an earlier stage in my speech, the approaching end of the life of this Assembly tempted me to compare the figures of India's debt now with those of three years ago. Before closing let me indulge in a further glance backwards and a glimpse into the future. The first Assembly was burdened with the ungrateful task of imposing extra taxation in order to bridge the yawning gap between revenue and expenditure, a task that at one time seemed well-nigh hopeless. The Budget of 1924-25 which coincided with the first session of this House signalled our definite escape from the era of deficits and brought the Salt tax back from Rs. 2-8 a maund to the present rate of Rs. 1-4. For this reduction though no doubt it had the assent of the majority, only the minority in this House who voted for the second reading of the Finance Bill can claim to share the credit with the Government and the Council of State, and the Government did not conceal their view that a higher rate, which might have enabled us by now to have achieved the complete extinction of the Provincial contributions, had much to commend it. But, if this House dealt in a step-motherly way with the Budget of 1921-25, it placed to its credit six months later the convention in regard to the separation of railway finance from general finance, a reform which I regard as the greatest financial achievement of the years

under review. We have made other advances in our financial machinery during this period, such as the establishment of the Provincial Loans Fund and the formulation of a clear policy of reduction and avoidance of debt, and we have paved the way for other advances, as for instance, the separation of Accounts and Audit, and the reform of the Indian currency system. We have moreover greatly improved the mechanism of the Assembly's financial control. But the new arrangement for dealing with our Railway Budget remains the outstanding feature. It has cleared the path for a continuous programme of railway construction and rehabilitation, and is the direct parent of the proposals for progressive reduction of rates and fares which has now been put in hand, while it has relieved our general finances of an intolerable burden of uncertainty. The Delhi session of 1925 found the Government and the Assembly working together, as you, Sir, will remember, to put the finishing touches to our Debt Redemption plans and to make a substantial beginning of the remission of Provincial contributions. To-day we are continuing last year's work while at the same time celebrating the happy extinction of the notorious (even if sometimes maligned) Cotton Excise Duty.

74 I ask those who profess unending dissatisfaction with the Reforms and denounce them as a sham and the Government as insincere and unresponsive, does the financial story of these three short years justify depression or despondency? In that brief space we have immensely improved our financial machinery and have progressed nearly half-way on the road to extinction of the Provincial contributions, and we have reduced the Salt tax and abolished the Cotton Excise Duty. For five years the Reformed Legislatures have been at work in India. It is true that weather conditions have on the whole favoured us and that the level of taxation is still high in comparison with 1914, though not in comparison with other countries. But to me it seems undeniable that the association of chosen representatives of the people of India with the Executive Government and their constant interaction the one upon the other in the Assembly and the Council of State have enabled India to win through the inevitable discomforts of the period following the war with a measure of success that makes her financial position the envy of other nations and could scarcely have been possible without the Reformed Constitution. The members of this House appear to me sometimes to fix their attention so earnestly on what are called political questions as to overlook the steady advance towards the goal of constitutional self-government which is being registered day by day in administration and in finance. Mr. Coates, the present Prime Minister of New Zealand, made a confession of faith in a speech delivered last May soon after he succeeded to the Premiership, which deserves, I think, the careful consideration of those who are working for India's future. "It may seem", he said, "that I have unduly stressed the financial and administrative aspect of Government. My six years of Ministerial service, however, have convinced me that intensive application of the principles of sound finance to every function of Government is ever essential in the public interest. It is from that solid foundation created that we can build the structure of our public services and enable the development of our country to proceed. Only by judicious care and foresight in setting our financial foundations is it possible to devote the necessary attention to all our citizens."

75 The Government of India and this Assembly have not always seen eye to eye on financial questions, but the record shows that we have worked

together, not without reward, to establish a foundation of financial stability far more firmly based than when we began. We leave to the next Assembly the task of building on those foundations with the firm assurance that, though all the difficulties are not surmounted and though new anxieties may arise, they will not have to complain of our work of preparation and will find their financial heritage a source of strength in advancing to the solution of the political and constitutional tasks which await them. (Loud applause)

Statement comparing the actual Revenue and Expenditure of the Central Government (Imperial Revenue and Expenditure before the Reforms) with the Revised Estimates for each year from 1915-16 to 1924-25

(See paragraph 3 of speech)

(In thousands of Rupees)

	REVISED ESTIMATE			ACTUALS		
	Revenue	Expenditure	Surplus (+) Deficit (-)	Revenue	Expenditure	Surplus (+) Deficit (-)
1915-16	78,89,08	81,58,21	-2,69,13	80,00,96	81,79,26	-1,78,30
1916-17	97,25,67	88,27,37	+8,98,30	98,53,10	87,31,37	+11,21,73
1917-18	1,14,84,48	1,06,27,74	+8,56,74	1,18,70,58	1,06,57,52	+12,13,06
1918-19	1,27,94,65	1,34,79,88	-3,85,23	1,39,49,66	1,36,19,72	-5,73,06
1919-20	1,44,07,58	1,59,18,67	-15,11,11	1,37,13,98	1,60,79,27	-23,65,29
1920-21	1,35,1,35	1,48,03,61	-12,93,26	1,35,63,32	1,61,64,17	-26,00,85
1921-22	1,13,15,32	1,41,94,52	-28,79,20	1,15,21,50	1,42,88,52	-27,65,02
1922-23	1,20,70,17	1,37,95,52	-17,25,35	1,21,41,29	1,36,43,05	-15,01,76
1923-24	1,31,93,04	1,29,89,97	+2,06,07	1,33,16,43	1,30,77,63	+2,39,00
1924-25	1,31,82,26	1,30,82,68	+3,99,58	1,38,03,92	1,32,35,66	+5,68,26

Thursday, 4th March, 1926

GENERAL DISCUSSION OF THE BUDGET—PART II

FIRST STAGE

Colonel J. D. Crawford (Bengal European) Sir, I too would like to pay my tribute of praise to the Honourable the Finance Member on the very satisfactory state of India's finances which this year's Budget has disclosed. I think we must all admit that the happy weather conditions which we have had during the past two years have contributed largely to that happy result. But we also have to admit that his own work has done very much to bring about this very excellent result.

The Budget is framed with a very real courage, for in two years we have wiped off for ever over 4½ crores of provincial contributions, and 1½ crores of cotton excise duty. It needs a good deal of courage to exclude those from your revenues, and noting this courage of the Honourable the Finance Member, I wonder if he will not also show a little more courage and do something to reduce the heavy customs duties from which the country is

now suffering. Last year he brought in a reduction of two annas a gallon on petrol, and he was justified in doing so by the added receipts he got last year. In pressing for a reduction of the customs duties on necessities, I feel that there is some necessity for a general reconsideration of what are luxuries. In particular I press for a reduction of the customs duties on necessary clothing, cheap motor cars, patent medicines and tinned foodstuffs. I believe that if the Finance Member would give serious consideration to this question he will find that his revenues will not decrease but will increase, and so far as clothing is concerned I am more or less certain that there is a very considerable amount of smuggling now going on owing to the very high rates of duties.

With regard to the motor car, I have during the past year travelled over a large part of India and through many mofussil districts. Everywhere the motor car and the motor bus is coming into general use for transportation purposes and is helping to develop and educate the country, and the lorry also is coming into more general use for the purposes of commerce. But it has struck me how those who are running taxis and busses in the mofussil can ever make them a paying proposition. Some of the roads over which I have travelled are in an absolutely disgraceful condition. Once when I was travelling down in Southern India one hundred miles on a particular stretch was like a corrugated iron roof and I had a raw patch on my back by the time I had done that hundred miles, and I cannot understand how any motor traffic on roads like that can ever pay the promoters of those businesses. I welcome the suggestion which is included in the Taxation Inquiry Committee's Report that customs duties should be reduced in order that revenue from motor cars may be allotted to the development and upkeep of our roads. I trust, Sir, that the Finance Member will give very serious consideration to this question of high customs duties, because not only does it raise the prices of imported articles but it also raises the prices of clothing manufactured in this country, and whilst we are giving away the tax-payers' money in protection for essential industries and in relief to cotton millowners, I would like to raise a voice on behalf of the ordinary tax-payer that he too should get some relief in this matter of taxation. I feel fairly certain that a reduction, as I say, will lead to increase and not a decrease in our customs revenue.

And now, Sir, I would like to turn on this occasion to a discussion of the military Budget and military policy. There are several features of interest which have occurred during the year that are worth noting. The first was the very excellent manœuvres which were carried out this year by the Army at Rawalpindi, manœuvres which I understand were exceedingly instructive and exceedingly economical. In fact, I understand that they were far more instructive than the manœuvres which were held in England and infinitely less costly. While we congratulate the Army Department on keeping down the cost of these manœuvres and the cost of the military expenditure, I trust that this is not done at the expense of the pocket of the officer. I was travelling up by train with officers who were ordered as judges and umpires on these manœuvres and I was surprised to find that they are not treated in regard to travelling allowances with the same liberality as they are treated when on ordinary duty, and that in many cases they are actually out of pocket in performing their duty. I would like also to refer to the despatch on the operations carried out by the Royal Air Force in Waziristan. It is a matter of considerable interest to not

that these operations which were carried out by the Air Force were successful, and I would have liked to know what the actual cost of those operations was compared with the operations carried out by the regular army on previous occasions. It is a matter of considerable interest to us to know what is the cheapest form of defence and to see whether our Air Force needs development still more than it has been developed up to date. We, I think, in India, are lucky in that particularly we have a Defence Ministry, and therefore the jealousies between the various services of defence are not so likely to arise in this country as in England, and we would like to see our defence developed in the most economical and efficient manner that is possible. The Honourable the Finance Member the other day, I think, said that he was in favour of "military insurance at a minimum cost." That is a motto with which we would all be in sympathy provided he says that the insurance should be adequate. The last great war showed us how in Great Britain, at least, we have been burdened with very heavy taxation because in peace time the tax-payer and the Government were not prepared to pay an adequate insurance, and want to be perfectly certain that our military insurance is adequate and efficient. I notice in his budget speech he alluded to the fact that "60 lakhs of rupees were to be granted for new urgent measures mainly of a non-recurring nature for the purchase of new equipment." Surely, Sir, our military services should not suddenly like this have to come to us for new equipment. Is it not then true that they have been deprived of their normal supplies of equipment and that therefore our army has not been properly equipped? I believe that not only have they not had enough equipment at all times but in regard to "mobility" they are far from what should be the efficient standard. If we want to get any reduction in our military insurance, there is only one method by which you can get it, and that is to eliminate some of the risks against which you are insuring. And here again you come back to that old question of our frontier policy.

Another matter of considerable interest is the vindication which we have received concerning our policy in regard to Waziristan. Only last month, I think it was, that the Mahks of the Mahsuds and Wazirs entertained the Chief Commissioner to a garden party in their country—a sure sign that some of our troubles in that direction are over. I am one of those that believe that until we administer and fulfil our responsibilities to the people within our borders right up to our borders with Afghanistan, we shall not be able to make any material reduction in our military insurance.

Pandit Shamlal Nehru (Meerut Division Non Muhammadan Rural) May I know what you mean by we?

Colonel J. D. Crawford I mean the country.

Mr President I was told that the Honourable Members on that side had decided not to take any part in the discussion to-day.

Pandit Shamlal Nehru You were wrongly informed, Sir, I never said so.

Colonel J. D. Crawford That, I feel, is the policy that should be pursued by the House as a whole. I am one of those who think that in associating the peoples of the North West Frontier with their own Local Government lies a great opportunity for building up the strength of our frontier and in.

getting them on our side and eventually helping us to reduce our expenditure on military insurance. I urge on the House that we should continue this policy which is appearing to be successful, for there is little hope of any real reduction in our military expenditure until we find a satisfactory solution to the frontier problem.

Mr W F Hudson (Bombay Nominated Official) Sir, I rise for the first, and I hope the last time this Session, to make a few remarks, not, I fear, entirely favourable on this Budget. Seeing that I shall probably spend the whole of next week trying to persuade Honourable Members on all sides of the House to vote for every item in the Budget and every clause of the Finance Bill, it may seem a little curious that I should now propose to offer what I, at any rate, consider as decidedly damaging criticism. But the House will understand that on this occasion I am speaking as the representative of the Government of Bombay, and that the Government of Bombay finds this Budget a disappointing one, not so much for what it contains as for what it omits. Sometimes I feel, Sir, that probably no one has so much reason to be grateful for the re-arrangement of the seating in this House as my Honourable friend the Finance Member. In days gone by, as he doubtless well remembers, he was always confronted by a solid phalanx of able Bombay financiers, second to none, in capacity, in eloquence and in critical alertness. Sir Basil Blackett could hardly flicker an eyelid, much less quote a figure, without evoking a protest from Sir Purshotamdas Thakurdas or Sir Montagu Webb, or inviting the well directed criticism of Sir Chimanlal Setalvad or Mr Jamnadas Mehta. They differed widely among themselves, that stalwart band of Bombay experts, on most subjects, but on this they were united, that the financial policy of the Government of India, though unsound in many respects, was most unsound of all in its treatment of Bombay. Well, Sir, owing to the exigencies of the party system, the phalanx is no longer there. Only Mr Jamnadas Mehta remains, and rumour has it that, owing to circumstances over which he has no control, even he may not be with us next week. But, Sir, though under the new arrangements the Bombay Members have been scattered to the four corners of the House, and although some of us, like myself, have been undeservedly relegated to the back Benches, yet we are none the less united in heart on this question, and we hope to make our fire none the less effective though it will perhaps be less concentrated than it was in years gone by.

Now, Sir, let me begin by acknowledging the good things in the Budget before I pass on to less agreeable topics. Coming as I do from the Province of Sind and knowing the rich promise of the excavations at Mahenja-Daro, I heartily welcome the proposal to create an Indian Archaeological Fund, a proposal which, I am sure, will commend itself to all Members of this House who are genuinely interested in the history and archaeology of this country. Then, in the second place, we in Bombay are of course extremely glad that it is proposed to bury the cotton excise duty for ever, and we are specially grateful to the Governor-General for the exercise in this regard of the special power so wisely vested in him by the Constitution. I understand that the power of issuing Ordinances is not one which commands the entire approval of Honourable Members opposite, but I am sure my friend Mr Jamnadas Mehta, if he were here, would agree with me that the exercise of this power last December was a real godsend to Bombay. And I look forward with confidence to Mr Jamnadas Mehta, if he is still here,

accompanying me into the lobby when the time comes to confirm the Governor-General's action

But, Sir, although the abolition of the cotton excise duty undoubtedly benefits the great mill industry of Bombay, and will, we all fervently hope, contribute to a marked revival of trade, it must not be forgotten that it brings no revenues (at any rate directly) to the coffers of the Government of Bombay. Sir Basil Blackett will doubtless get his reward in an increase in Income-tax, but the Government of Bombay will get absolutely nothing unless the Income-tax goes above a figure which is almost impossible at the present time, and which has not been reached since 1921-22. This Budget cannot but be a disappointment to us in Bombay, and that for two reasons. The first is, of course, that we still get no reduction in our provincial contribution of Rs 56 lakhs. It is true that last year we did get a crumb that fell from the rich man's table and we were duly grateful for it.

The Honourable Sir Basil Blackett (Finance Member) Were you?

The Honourable Sir Basil Blackett I am not

Mr W F Hudson But I am afraid that unless we can see more obvious indications, of what is known in political circles as a 'change of heart', are apparent in the budget speech, the Bombay Members will be obliged to go on talking about it. I am not going to repeat to the House the elaborate figures which Sir Chimanlal Setalvad and I gave it last year. But two things have happened since last year to which I will invite the attention of the House and of the Government of India. First of all, the figures for the past year continue to prove what we have always urged, that the Meston estimates of the expansion of the Bombay provincial revenues were so utterly wide of the mark as to be useless as a basis of calculation. During the first year and the second year of the Settlement we were told to be patient and that all would come right in the end. But the actual results are that every year we get further and further below the estimate. The past year has been no exception to the rule and I will venture to give the House the figures for this, the fifth year of the operation of the Meston Settlement. The Meston Committee estimated that in the fifth year *i.e.*, this year, our provincial revenues would have increased by Rs 290 lakhs over the basic figure for 1920-21. As a matter of fact, in the fifth year, the actual revenue, under the main heads referred to, was Rs 48 lakhs below the basic figure, that is to say, very nearly 350 lakhs below what they told us we could expect, and in the five years since 1921 the total revenues of Bombay under the main heads have been 12 crores less than the Meston Committee said we could reasonably anticipate.

The Honourable Sir Basil Blackett Will the Honourable Member give the figures under each head year by year?

Mr. W F Hudson An elaborate statement like that would take a very long time. (*An Honourable Member* "Give it in the lobby") Land Revenue, Excise, and Stamps are the three main heads. I will give the Honourable the Finance Member the figures afterwards. (*Mr K Ahmed* 'There is no other speaker, Sir') As I said, we are 12 crores down, and I will ask the House to pause and consider what it means to a Local Government to lose 12 crores—how many high hopes shattered, how many splendid schemes deferred, how many schools and hospitals starved. Can any one be surprised that in season and out of season we are bound to go on pressing for a revision of this inequitable settlement, based as it was on such unhappy guess-work and producing in Bombay such unhappy results.

The second thing that has happened in the past year is that that eminent and industrious body of experts, the Taxation Inquiry Committee, has been looking rather closely into this question. I am sure that every Member in this House has read from cover to cover the interesting little volume of 450 pages which was the result of their labours and I will not waste the time of the House by quoting from it. But it is quite clear that they at any rate have been duly impressed by the fact that the allocation of the Income-tax to the Central Government and the land tax to the Provincial Government presses unfairly on those provinces in which industries predominate. It is also clear that they have realised that Devolution Rule 15, which was intended to alleviate those inequalities

has conspicuously failed to do so. The Taxation Committee was specifically instructed that it was not their business to revise the Meston Settlement, and we cannot, therefore, be surprised that they made no concrete proposals. But we do hope that their lucid examination of this question will receive the very early and earnest consideration of the Government of India.

To sum up, Sir, the case for re-opening the Meston Award was quite a strong one in 1922, when it was first debated in this House, it was much stronger last year, and it is strongest of all to day. Sir Basil Blackett has set many things right in our financial system since he took charge of his high office, and we in Bombay are full of hope that before he presents his last Budget he will tackle this burning question. I well remember his predecessor in 1922 warning us that we in Bombay, and I think in Bengal at the same time, were very ill-advised to seek a re-opening of the award, as the chances were that, if it was re-opened, the Government of India would get more than they had already got and that our last state would be worse than our first. Sir, convinced as we were of the soundness of our case, we were ready and eager then to take the risk. We are still more eager now. And the question which I wish to put to the Honourable the Finance Member in all seriousness is this: Are the Government of India equally ready?

Nawab Sir Sahibzada Abdul Qayyum (North-West Frontier Province Nominated Non-Official). Sir, my friend, Colonel Crawford's remark about the North West Frontier Province has given me an opportunity to say something on the subject. The problem of the North West Frontier has not attracted as much attention of this House as it deserves. It is only mentioned at budget time and on very few other occasions. But I think that it is a problem which should be seriously considered by this House once for all. The Frontier Province, as everybody knows, is composed of two classes of people, those living in the settled districts and those living across the border in the tribal area. As regards the settled districts, the question of the extension of reforms to them was before the House the other day and may possibly come up again, but as regards the trans-border area, i.e., the tribal area, the question is still a sort of sealed book to the House. My connection with the tribal area dates back a very long time and I think I can say something on the subject from my personal experience. The British Government have been doing all that is possible in tackling the problem. Expeditions after expeditions have been sent to that area to punish those found guilty of raiding or committing other serious offences in the settled districts or in the protected areas. That has cost India a lot of money. But there is another side of the question which to my knowledge has never been seriously considered and that is how to bring about a more peaceful life in that country. It has been occasionally suggested that effective power or control should be extended right up to the Durand Line. That is called the forward policy. I do not think I need say much on that point except this that if you extend your effective control up to that line you will not come across a more peaceful neighbour but will get for your neighbours people who will be as troublesome as your present neighbours in the tribal area. It will not also be an easy thing to extend effective control up to that line. The House may perhaps know that there is a population of half a million armed men, good fighting people, in those regions and a very

huge expenditure will be required to bring about a real and effective subjugation of that population. You will have to disarm them first, and when that is done you will have to educate them and enable them to find peaceful methods of earning their livelihood and then, say half a century later, they will be demanding reforms, I should think, and will perhaps be experiencing the same difficulty in getting them, as is being experienced by us in the settled districts! The forward policy has lost its value in more than one way, which need not be enumerated here and I do not think that the extension of an effective control in that area will be wise. As regards the close border policy, that is, withdrawing from that area altogether and finding a sort of natural border between the settled districts and the tribal area, that, again, is a question which cannot be raised so late in the day. We have extended our responsibilities and committed ourselves to certain undertakings in the tribal area and we cannot in honour withdraw from that area and do away with those responsibilities. I think the present state of affairs does not justify the withdrawal of our agencies from those areas altogether. We have to make the best of the present position. In war time there is always the fear that if a change of policy is made it will be attributed to the weakness of the British Government, but now luckily we have a fairly peaceful time on the Frontier and things are as quiet and as peaceful as they can possibly be under the present circumstances. I therefore consider that this is the best time for introducing a new policy, for introducing a new experiment, something different from what we have been doing in the past. That experiment, to my mind, is worth trying and it is the experiment of extending education in that area.

Baba Ujagar Singh Bedi (Punjab Landholders) The Honourable Member probably means by introducing reforms

Nawab Sir Sahibzada Abdul Qayyum I do not mean reforms but only education, not the ordinary school education, the literacy or book reading test, or the test of passing examinations and getting degrees, but some practical system of education by which the people will not only learn the peaceful ways of settling their disputes and earning their livelihood but also of becoming good neighbours and friendly allies.

Baba Ujagar Singh Bedi Better affiliate that Province with the Punjab.

Nawab Sir Sahibzada Abdul Qayyum The Punjab I am sorry to say does not set a very good example before us just now.

Baba Ujagar Singh Bedi You were already part and parcel of the Punjab. Since the separation things have not improved in the North West Frontier Province.

Nawab Sir Sahibzada Abdul Qayyum The Punjabis are quarrelling very much among themselves and have their daggers drawn at each other's throats and we do not want to associate ourselves with them.

Baba Ujagar Singh Bedi Then you want the same sort of reforms which have been the genesis of strife and feud in the Punjab and other provinces.

Nawab Sir Sahibzada Abdul Qayyum My Honourable friend is perhaps mistaken that I am trying to get the reforms extended to the tribal area.

Baba Ujagar Singh Bedi I have nothing to say for the tribal area since I am neither a Warden of the Marches nor do I hold a brief for them.

Nawab Sir Sahibzada Abdul Qaiyum I did not mean the extension of the reforms but the extension of some sort of education by which they may learn to live peacefully among themselves and earn their living. That education is practicable. Instead of wasting or spending money on keeping a very large number of troops among them and raising militias for the purpose, if we only spend the cost of one militia corps on imparting practical education to these people I am sure that will do them a lot of good. I need not go into details as to what form those measures should take but I mean something like the opening of new waterways, new canals and new agricultural lands in their own country. They have got plenty of water ways and plenty of waste land and if they can be given expert opinion and some financial help, they may be able to find means of living peacefully.

Diwan Bahadur T. Rangachariar (Madras City Non-Muhammadan Urban) Are they independent tribes or are they our subjects?

Nawab Sir Sahibzada Abdul Qaiyum That is a question which I wanted to avoid, but since my friend has brought it in, I should like to put that very question to the Government Members here to answer. My own idea of the problem is that if they are within the British sphere of influence, as we call it, and if the boundaries of the Indian Empire extend to the Durand Line, then whether we can apply the words "British subjects" to them or not, India is responsible for the welfare of those people. If you are not inclined to include them within your sphere of influence, you may as well say so and get rid of them. You will be really breaking some solemn promises which you have made to them, while I am not sure if they will be very sorry to be free still. However, as they are at present, they have to be looked after and their interests have to be considered to some extent. As I was going to say, large sums are spent on them. On a rough calculation, since 1919, something like 40 crores have been spent in operations in Waziristan alone and large numbers of troops have been employed there. Things have been fairly quiet there for sometime but there is no guarantee of their being quiet for ever. With these arms and ammunition in their possession you cannot expect them to be always so peaceful. You must devise some more permanent means of bringing them to peace, than the ordinary scimitar that you hold over their heads and of keeping them in subjection with the use of arms. Spend the interest on these 40 crores, say 2 crores, on these people and you will have found some permanent remedy for the disease. When the Maharaja of Mysore came on a visit to the Khyber, I had to take him up the Pass to Landi Kotal and the first question he put to me was what we were going to do for these people. I referred to the allowances we were paying, to the labour we were providing and to the other means of earning a livelihood that we were finding for them. He said that these were only temporary measures and asked how we were going to find a more permanent solution of the question. Any man who goes up there will put you the same question. You have been appointing commissions for this and for that, but you have never thought of appointing a commission to investigate and inquire into this most important question. Consult the people on the spot and arrive at a definite decision on the question and formulate a permanent policy for this Frontier. You have not even got an official reference-book on the subject and, as I have said before, it is a somewhat closed

door policy there. These people are something like a millstone hanging round your neck and you have never thought of finding a solution for removing that heavy burden from the shoulders of the tax-payer. Unless you do that you will find this sword ever hanging over your heads and it will be continually putting you to enormous expense. I hope you are not keeping that area as a sort of training ground for the Indian Army. I do not believe that is the idea either of the Government or yourself, *ie*, that you should keep certain people armed in order to train your army in mountain warfare or trans-border warfare. If you really want to do them good and if you really mean to do so, the best solution will be to educate them by some missionary and propaganda work. You need not necessarily open new schools for them but should teach them in some manner how to settle their disputes among themselves by arbitration or by their old *puga* system, and earn their livelihood by peaceful methods, of course, always keeping behind the force that will be necessary to support the verdict of the majority. It is not good for a great civilised power to sit next door to them and see them fighting among themselves. You cannot shut your eyes to that state of affairs on your border. You howl in this House when a small riot takes place in which one or two people are killed and a few injured, but only next door to you, armies across the border are fighting among themselves and killing one another by hundreds and thousands and you never shed a single tear over the miserable plight of these people. It is inhuman and if you are not really bound to them by any agreements, conventions or treaties, even then as neighbours and civilised neighbours, it is your bounden duty to give them assistance in every way. My advice to you will be to find some money for expenditure, not for raising militias and armies in that country, not even necessarily for spending it through the official agency, but to provide, by private means, an organisation for sending instructors and teachers there, not only to teach them the elementary science of writing and reading but also to give them some technical education and bring them to a sense of good citizenship and good neighbourship and this will help you more than anything else, in relieving the tax-payer of the heavy burden of expenditure on these frontier expeditions and you will have earned the gratitude of the suffering humanity of the frontier.

Dr S K Datta (Nominated Indian Christians) Sir, now for a period of nearly two and a half years I have represented a particular interest in this House. I do not think, Sir, that I have obtruded on the notice of this House—and I felt justified in not doing so—the particular interests of my community. Sir, I have said on other occasions that the community to which I belong may be classified among the great consuming communities of India. We have been drawn from all classes but particularly from the oppressed and depressed classes of this country and the movement which has made my community—and the community is increasing approximately at the rate of a million every ten years—shows that deep down there must be unrest, the unrest that comes from not having the things of this world. The community hopes that its problems can be solved by educating themselves better, by making themselves prepared for the wider life of the country. Now, Sir, to a community of this kind what is of the greatest importance? Food, clothing, housing, education—those are the things that matter above all to them. We look with anxiety at experiments in this House to raise the cost of living. The experiments, the economic experiments, for which this House is responsible seem to make it more difficult for communities such as ours to establish—

themselves. What have we done in the last two years under the advice and guidance of the Honourable the Commerce Member? We have increased taxation under the head of Customs by something like 2 crores and 10 lakhs. Out of those 2 crores and 10 lakhs we pay to particular interests something like 130 lakhs in bounties. Now, I do not ask that we should go back on these experiments in Protection but I merely desire to place before this House the anxiety with which we as a community look into the future, to the increased cost of living due to an increase in our customs and an increase in our tariffs. Policies such as these are bound in the long run to have a retarding influence on the progress of those communities which do not get adequate representation—I do not mean in numbers—but whose voices are so rarely heard in a House such as this. Now, Sir, this is a matter of primary importance. We believe that we ought to keep down the prices of food. Some of us have opposed the raising of the salt tax. We desire that the salt tax should come down lower, in the second place, Sir, burdens like the income-tax whose incidence on communities such as ours is particularly heavy. Last year I made the suggestion that at least the first Rs. 2,000 of all incomes should be free from income tax. If a man gets Rs. 5,000, let him pay income-tax on Rs. 3,000. We ask that the first Rs. 2,000 should be free of all income-tax. Sir, with regard to our tariffs, I fear it is impossible, I know my ideas will be greeted with contumely in this House, but I wish we could get rid of the Tariff Board. I do believe that the Tariff Board is a direct incitement to certain minute but powerful groups to ask for particular favours. We have initiated a policy of protection, let us wait for the next 7 years to see how that particular policy and the present experiments under it are going to work out—we are not at all sure how it is going to work out—and when we are sure that the experiments have been successful let us then and only then go forward, but until then we should undertake that as far as possible we shall not make any further experiments in this particular policy.

Now, Sir, there is another matter to which I desire to make reference. It concerns a comparatively small matter of 33 lakhs which appears in our budget under the head of the Ecclesiastical Establishment. Now, Sir, in 1924 the expenditure on the Ecclesiastical Establishment in India was 24 lakhs of rupees. In 1925-26 the revised estimates were 30 lakhs of rupees, and I see to-day the demands we are asked for 33 lakhs. I do not quite know why there has been this increase in expenditure, whether it is due to a sudden accession of religious virtue among the European Christian servants of the crown, or whether more money is necessary to soften the stony ground of their hearts in which the good seed may find root. But whatever it is, I desire to know why there has been this increase of expenditure. In the second place we have certain very definite recommendations from the Retrenchment Committee with regard to the ecclesiastical expenditure. Have those recommendations been carried out? We would like to have more information about that also. We were told that certain chaplains of the Anglican Church and certain chaplains on the Scottish establishment should be reduced. Have those Establishments been reduced? Further, there are certain general considerations regarding the Ecclesiastical Department to which I shall refer. I am told that Government have, and quite rightly, said that they have a duty to the Army in India. Now religion in the Army is part of the programme of discipline, whether it should or should not be is another matter, but there it is, and

if we are going to have an Army apparently a certain modicum of religion must be put into it, and Government say they desire to make provision for that. Well, we accept that. Let us pass on to the European Christian servants of the Crown, to whom apparently Government are responsible for providing religious ministrations. Government have however undertaken even wider responsibilities. They provide religious ministrations for the ordinary European civilian population and in places where the people themselves can afford to pay for them. For example in the city of Calcutta we have several churches. Some of the churches are dependent on the bounty of the European community, particularly the unestablished Scotch churches. I happen to be a member of one. Now our church pays its minister, it pays another minister to look after the spiritual welfare of European crews on the ships in harbour, it further pays a contribution towards the spiritual ministrations to the Scottish people working in mills on the Hooghly. All that the church does it pays for itself. In addition it employs a Tamil minister for a Madras Christian Congregation in Calcutta. All this comes out of the pockets of those people who are supporters of that church, and yet you go to the Cathedral at Calcutta—a congregation far richer, far more able to support their ministration—and what do you see? From the Chaplain in charge down to the *mah*, I think, all comes from the State.

The Honourable Sir Basil Blackett No

Dr S K Datta Is the *mah* denied his wages by the State or the chaplain in charge? Well, Sir, that is a matter which I feel ought to be investigated. There are places where savings, and big savings, can be made in the Ecclesiastical Establishment. There is further another question, a question of fundamental principle to which I feel I must refer. There are roughly 100,000 European members of the Anglican Church in India, in addition there are 30,000 Anglo-Indians of the Anglican Church in India, and there are 400,000 Indian members of the Anglican Church in India. In other words, Indians in the Anglican Church number more than the other communities put together. Now, Sir, I turn to the Government of India Act, to which I hope I will never refer again when the matter of Ecclesiastical Establishments are being discussed in this House. The Act lays down that the Bishop of Calcutta is the Metropolitan in India, "subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury" (section 115, sub-clause (2) of the Government of India Act). Now, Sir, with regard to this particular section of the Government of India Act, what does it mean? It means that you have placed the control of a Church which is overwhelmingly Indian under an authority completely outside India and in fact under secular authority. There is no ecclesiastical freedom. You cannot consecrate a Bishop without the permission of the Crown. Every Ecclesiastic authority in India desires a change but we have no indication what changes the Government of India are proposing.

An Honourable Member Support it

Dr S K Datta Every Bishop in India is compelled to take an oath of allegiance to the Crown. I say that the whole theory of this is ancient and antiquated and I may say unfaithful to the early church. The Anglican Episcopate in India was founded under the Charter Act of 1813. It included in the Ecclesiastical Province of Calcutta the whole of India, the whole of the Cape of Good Hope, and the whole of Australia. Now what

happened to that enormous diocese? It was broken up. The Cape of Good Hope became ecclesiastically free, and Australia also became free. Ceylon also became free, all these places broke off and became free, and still 113 years afterwards we in India continue, almost as we did in the year 1813. Sir, I would like to know from the Government of India what changes in the status of the Anglican Church they propose to recommend to Parliament. We are told that there will be a change. When is that change coming? We want to know about that change. Somebody mentioned the Indian Church Measure. That is immaterial to this discussion which concerns certain sections in the Government of India Act. The Indian Church Measure is immaterial to this discussion.

The Honourable Sir Basil Blackett 'Why?'

Dr S K Datta Because we simply ask for freedom for the Anglican Church.

The Honourable Sir Basil Blackett I thought you were saying 'immaterial to the Budget.'

Dr S K Datta I did not say 'immaterial to the Budget.' Sir, these are some of the matters to which I direct the attention of the Government. It is not possible for us to press these matters at a later stage, the ecclesiastical expenditure is non votable. But I do hope that we will be enlightened regarding the future of the Ecclesiastical Establishment in India.

His Excellency the Commander-in-Chief Sir, it is with considerable diffidence and hesitation that I rise to take part in this debate, for I realise that having been brought up among soldiers and having never been fed on figures, I cannot hope to intervene in a budget discussion with any real advantage. The Honourable the Finance Member also has given us such complete information regarding the military estimates that I feel that there is no necessity for me to enter into any details regarding them, and as a matter of fact, Sir, there really is not anything of great interest which I can tell the House at the present moment, because during this last year our military policy has remained unchanged and the whole current of military affairs has run smoothly. As we know on either side of India this has not been the case. Strife has taken place—strife and discord, and in contrast to that, we in India have been able to carry out our wishes regarding economic reforms undeterred by military activities. We all of us know very well from our experience of the East that it is impossible to tell how long that state of affairs may last, whilst we must also realise how quickly troubles beyond our borders may react upon us here in India, and it will never do for us to allow ourselves to be lulled into a state of false security.

I would like to say as regards the Frontier that I agree with the remarks which just fell from Colonel Crawford in attributing the comparative peace which has taken place within our border to the proved success of our Waziristan policy. (Applause.) I feel that it is a result of that policy that raiding into our settled districts has more or less entirely ceased, a matter which, I am sure, Honourable Members will all agree is as satisfactory as it is remarkable. I may mention that our recurring expenditure in Waziristan has continued to decrease, while the conditions in which our troops are housed—they are housed only to a certain extent still—but the general conditions under which they are living, have sufficiently

improved to enable us to rather modify the concessions which have been granted to the troops serving in Waziristan

The Honourable the Finance Member told us that the last of the definite recommendations made by the Inchcape Committee has been carried out, the third of the British cavalry regiments having left India during the present trooping season without being relieved. He also told us that the military Budget, which stood at 87½ crores in the year 1920-21, has now been reduced to less than 55 crores in the year 1926-27, but there is another figure to which I would like to make a reference when I mention those particular figures, and that is the figure of 50 crores, to which I find allusion made both in the papers and in speeches as the limit at which military expenditure should stand. What I would like to say in this connection is, that that figure was mentioned by Lord Inchcape as a possible maximum for military expenditure, but my distinguished predecessor, the late Lord Rawlinson, after great experience as Commander-in-Chief, not only found himself unable to accept that figure—and I would like to say here how very gracefully, I think, the Finance Member referred to the efforts made by Lord Rawlinson to reduce expenditure (Applause), I can assure the Finance Member that the Army generally is grateful for the words he used regarding our late Chief—Lord Rawlinson, however, not only found himself unable to accept 50 crores as the figure to which military expenditure might hope to fall in the near future, but further than that, he placed on record the fact that he considered, that when the revenues of India were capable of granting further aid to military estimates, that items which he reluctantly had to reduce, should be restored to the military Budget, also I think possibly all Honourable Members do not realise, that Lord Inchcape when mentioning 50 crores as the maximum of military expenditure, definitely stated that he realised that Government could not expect to reach that figure, unless there was a definite fall in prices, and no such fall has taken place. Further, the Inchcape Committee also stated that they did not consider that we could reduce our estimates to 50 crores unless there was a further reduction in troops and they were unable to make any such recommendation. I think therefore that we may take that recommendation about 50 crores as a pious aspiration or, to use a word which I do not quite know why, but has become popular of late, a “gesture” towards decrease of expenditure. In saying that, Sir, I trust Honourable Members will not jump to the conclusion that I do not wish to see military expenditure reduced. I think there is often a general idea that all military men are spendthrifts and profligates. I would assure you that that is not the case. We are taxpayers as you are. We, military men, have many ambitions, but never have I come across one, whose ambition is to pay higher taxes than are inevitable, while every one of us wish to share with our fellow-citizens in reaping all the advantages of improvements in our economic life, and such advantages as may be brought about in the general state of living by the allocating to civil purposes of funds which now are necessary for military purposes. As a matter of fact we get down to the fact that one has to decide what is the minimum premium one has to pay for our national insurance.

It is certainly well to keep before us a definite figure as an ambition which we may hope to achieve in time and for that purpose I think we might recognise 50 crores. I should like however to point out that it does not seem possible to reach that figure in the near future. Let me

again emphasise the fact that we have reduced our military expenditure by 32 crores during the last six years

I personally, Sir, am constantly looking around to see where reductions can be made, but I feel that I should be failing in my duty were I ever to make a recommendation for the same, either at the risk of the safety of India or at the expense of the well-being, the efficiency and good health of our men (Applause)

I wonder if the House realises that pressure is so often brought to increase our military expenditure, pressure which appeals to me possibly more than to most people, due to my very long friendship with men in the Indian Army. Only a day or two ago I happened to be inspecting in the New Cantonment, and as is my custom, after inspecting the Regiment, I got all the Indian officers together to sit down with me. I asked them to open their hearts and to tell me what was in their thoughts, what were their wants and if the shoe was pinching anywhere. When I do that, I often see a brightening of the eyes, and almost hear a whisper going round

“ *Monasib moca agaa* ”

“ Here is the chance. What can we get out of the General Sahib, or the Jungi Lat Sahib? ” On this occasion a young Muhammadan officer got up and said to me “ *Gharib nawaz, ham loge bahut sal se apka nimak khate hain, aur teen char push se, Sirkari fauj ki nokri karte hain. Is sabab se ham bilkul gharib ho gaye, aur ropea bilkul nahin jama kar sake* ” I asked him what he had in mind when he said that nearly all of them had large families and as they found themselves unable to save anything during their military service, they felt it was up to Government to give free rations not only to themselves but to their wives and families. Out of the corner of my eye I could see the old Subadar Major making vehement signs to him to keep quiet, but as I had gone there to hear what they had in their minds, I refused to let him be silenced. He then went on enlarging upon the difficulties they had in making the two ends meet. I am afraid I was not able to give him much comfort. I could only say with regard to the grievance of large families, that possibly if they had smaller families the difficulties would certainly be less. As regards giving them free rations, as that would come up to the cost of maintaining several regiments in rations, I feared they would have to wait till the Greek Kalends, before the Sirkar could become a philanthropic society to that extent. Then an old pensioned daffadar of the cavalry got up and he said to me “ Sahib, I retired some years ago on a pension of Rs. 84 a year. Lately my District Board have come down upon me and assessed me Rs. 1 for ‘ *Hisvat* ’ tax ” I must say that it struck me as very hard that his poor little pension of Rs. 7 a month should come under the evil eye of the tax collector and 5 annas a month be deducted from him. As a matter of fact, I understand that it is not the intention of the Local Governments that such incomes should be taxed and I am representing this case in the hope that it will receive sympathetic consideration.

The House may possibly care, Sir, to hear roughly what reductions have been made of late years. Before the war we had out here 9 British cavalry regiments. They have now been reduced to 5. Before the war we had 52 British Indian battalions which have now been reduced to 45. We had 11 batteries of Royal Horse Artillery before the war, which have

now been reduced to 4. In the Indian Army we had 39 cavalry regiments which have now been reduced to 21. We had 126 battalions of Indian infantry exclusive of Pioneers which have now been reduced to 100 in India. Hardly a month goes by, when I do not receive representations and petitions from many classes of men whom we were able to recruit in days gone by, but who now either go unrepresented or have very fewer opportunities. Only quite recently I have had representations from the Mohials, Khatm Sikhs, Gujars, Gour and Kahuta Brahmans, Sayads, Janjhas and others, and as when these representations are made to me they often come from men who have served with me, or men whose fathers and even grandfathers have served under me, you can realise with what deep regret I have been unable to hold out hopes for them. I have only been able to point out that, by the grace of God, we were victorious in the last war, and, having been so, it is naturally impossible for us or for any other Government to go on keeping up the large army we used to have, and to expend the enormous sums that we did for military purposes, when we require every penny we can lay our hands on for the general advancement of the country economically. I must say that my remarks have not always given much comfort to them. As a matter of fact, we have in view still further reductions. Honourable Members possibly may not realise the fact that we have serving outside 6 battalions which are being maintained at the expense of the Imperial Government. As each of these battalions returns to India without being replaced, we have to reduce a battalion from the Indian army. We are now making a commencement with this in that we have come to the conclusion that it is possible to reduce the battalion, a portion of which we have up to now had in the Persian Gulf. We find that we can efficiently provide these detachments at a much less cost by consular guards. On return of these detachments to the headquarters of the battalion, that battalion will be demobilised. On the return of the next battalion from Iraq without relief, another battalion will be demobilised, and concurrently with it, a training battalion, which means a definite saving in the army Budget.

There is one other quite small item of expenditure which has been affected and which, I think, the House would like to hear. Last year we found, owing to the great efforts made by our medical and regimental officers, admissions to hospitals from malaria were reduced by 9,200 men, giving a definite saving of Rs 1,03,000. I am sure that Honourable Members will realise that there can be no form of saving which is better than that, showing, as it does, such a devotion to duty of all concerned. Personally, as an old soldier I sometimes hesitate to talk much about that, because I know from personal experience how very often, in spite of all our efforts we suddenly get a very bad malarial year. Do what we can, malaria continues. On such occasions I have ridden out from cantonments to villages 10 or 12 miles off to see how the villages are getting on. On all such occasions I have found the villages decimated with fever and the civil hospitals full to overflow. Talking about hospitals, brings me to barracks. I feel sure that there is no Member in this House who does not wish to see our men housed in as good barracks as we can possibly manage to get for them. When I look back and realise what the accommodation in most of our Indian lines was when I first joined the Indian army 40 years ago, I do indeed rejoice to see the state they are in now owing to a great extent to the efforts and determination made by the great chief under whom I had the privilege to serve 25 years ago.

Lord Kitchener. Though a great many of our barracks are quite satisfactory, there are still a considerable number of them which are far from it. I believe I am right in saying that the whole moral self respect and efficiency of men depend very much upon their surroundings. You will not get heroes if you give them hovels. I believe that if we can provide really good accommodation for all our men we shall raise their whole standard of life, and let us hope that when these men go back to their villages in large numbers yearly, they will also do their utmost to see that the standard of village life is also raised, and thus they will become good citizens of India generally. To provide for the reconstruction of the most insanitary and worst barracks we are allocating 20 lakhs for the next few years from sums which we have accumulated in suspense account by the sale of military lands and buildings which were no longer necessary for military purposes, and therefore we are not throwing any increased burden on our current revenues on that account.

Honourable Members are aware that last year we had a Committee sitting under the presidency of Sir John Shea, the Adjutant-General, to go into the whole question of the Auxiliary and Territorial Forces. I am sorry to say that we have not yet been able to come to definite conclusions regarding the Report of the Committee, as there has had to be a great deal of correspondence backwards and forwards with the Local Governments, and the Secretary of State has also had to be addressed. When however we do come to definite conclusions, I am hoping that we shall be able to carry out a considerable number of the recommendations made by that Committee. If further sums are required to improve the efficiency of these forces beyond what we have in the Budget, I am certain that I shall be able to appeal to my Honourable friend the Finance Member to allocate further sums, if necessary.

There is another Committee which is now sitting and the daily accounts of which we see in the papers, I mean the Skeen Committee. As the matter, however, is *sub judice*, I will not refer to it now.

I turn to one other subject, namely, the Royal Indian Navy, regarding which I had the privilege of making a statement in this House a few days ago. Since then Honourable Members would have had time, I think, to study the report on which the scheme is based and I trust they may have been able to come to the conclusion that the recommendations are sound and, on the whole, practical. But what I would like to emphasise now is the fact, which I hope Honourable Members do realise, that patience—I might say infinite patience—will be required before we can possibly hope to see an effective Indian National Navy in being. Let us remember that you cannot make a navy in a day or in a year or in a few years, and the eventual success of this measure will lie in the hands of the people of India. I feel I am right in saying that no nation can hope to create a really good, efficient and successful naval force unless its people possess what I would call a "sea-sense". Some people and some nations seem to have that sense indigenous in them, or perhaps I ought to say it has become indigenous owing to generations of seafaring men among them. Other nations seem to be without this essential sea-sense. We know that out here we have on our Western and Eastern coasts a large number of seafaring men, men who have proved themselves to be staunch, brave and skilful sailors, who have proved themselves as such both in the old Indian Navy and now in the Indian Marine and the mercantile service. But this class of men is apparently almost devoid of education, higher education

certainly, nor do they seem to have any ambitions to become educated. Our success however as regards a navy must, to a great extent, depend upon whether we shall get the right class of young men to come forward and subject themselves to the education, the training and the discipline which is necessary to form that character which is essential in naval officers. I feel there is going to be a great burden of responsibility on the leaders of Indian thought and Indian society in making the necessary efforts, and in exciting themselves to see that the right class of young men will come forward, and prove that they are capable of providing officers for a navy which will do honour to this country. As regards expenditure, we hope that the recurring expenditure will not be much in excess, for some years to come, of that which we now have to undertake to keep up our Royal Indian Marine. As regards initial expenditure, as Honourable Members will remember, a few years ago we sold the Kidderpore Docks in Calcutta, the money obtained from which was placed in suspense account, and we hope that what is available from that account will go a very long way to meet the initial expense in the purchase of ships for the Indian Navy.

There is only one more subject which I wish to mention before I sit down, and that is, I would like Members who do not realise it, and others outside this House to know, especially those who cavil at what they regard as the excessive military Budget, the fact that, the military estimates have to bear a considerable number of items which one cannot regard as items of true military value, or value for defence purposes. Some of these have only been transferred of late years to the military estimates to place them on a commercial basis, some of them represent items which in other countries are not included in their military expenditure, while some of them represent money which comes back to Government under other heads. I realise that expenditure on the items I have mentioned has to be incurred, but I would like to emphasize the fact that as far as purely defence purposes go these items might be removed from our estimates. The items I have in view are these

Transportation, Post and Telegraph charges, the great majority of which are returned to Government through the Railways and the Posts and Telegraphs	160 lakhs
Audit and Accounts charges for the Army	103 "
Special war pensions, which at Home are borne by the Ministry of Pensions and not by the Army	110 "
Customs duty	25 "
Stationery	12½ "
Territorial Force	29 "
Education	9 "

In mentioning that last figure, what I mostly have in mind are the 'Prince of Wales' College at Dehra Dun and the King George's Military Schools which have recently been established at Jullundur and at Jhelum. I believe that those colleges are well administered and well organised in the interests of India by the Army authorities, and I am therefore quite prepared to continue to undertake the responsibility for them and to assure the House that we will look after them to the very best of our powers, but I think it is only fair that we should be given credit for the fact that the whole of our expenditure is not unproductive, and that some of it at all events is of real national value to this country but quite apart from the necessities of military defence. Only recently I had the opportunity of

inspecting these two schools recently established at Jhelum and Jullundur. The former, as you probably know, is entirely for Mussalmans and the latter mostly for Sikhs, Dogras and Punjabi Hindus. We hope to have something like 300 boys at each of these schools. At present—they were only established last autumn—we have about 80 boys varying from 10 to 15 years of age. The orphans are admitted free, others we charge Rs 7-8-0 a month, and we provide them with free uniform, free clothing and bedding and free food. In my round of the schools I was delighted with what I saw. I do not think you would wish to come across a more delightful, well set-up, happy lot of boys, sharp intelligent children who would do credit to anybody and warm any soldier's heart or any father's heart to see. If Honourable Members will do us the honour of visiting those schools, I can assure them we shall welcome them gladly, and welcome any criticisms they may have to make in regard to them.

Sir, I have detained the House much longer than I anticipated, but even then, it has naturally been impossible for me to go into all military details of interest, and I should like to say, if there are any Honourable Members present who would like to meet me individually or collectively, I shall be glad to meet them and to do anything I can to give them all the information I possibly can.

Mr H. G. Cocke (Bombay European) Sir, I am sure we are all very much indebted to His Excellency the Commander-in-Chief for coming down to this House to-day and giving us some very important information with reference to the Army. I only want to make one or two remarks on the subject of the military estimates, and they are these. His Excellency compared the expenditure figure of 87 crores in 1920-21 with the figure of 55 crores at which we have arrived to-day. The House will remember that the year 1920-21 contained military expenditure of an active nature, and I think, Sir, the real comparison that this House has to make is between the following year, 1921-22, when expenditure was in the neighbourhood of 70 crores, and the present day figure of 55 crores. Leaving out the special items, which the Finance Member separated for us, we have to remember that in the last four years, taking the ordinary establishment charges of the Army, the reduction has been gradual and satisfactory, the figures being

56½ crores in 1923-24,

56 crores (nearly) in 1924-25,

55½ crores in 1925-26, and

a budget estimate for next year of 54½ crores.

There is one other matter in connection with the military Budget. There is another committee to which His Excellency did not refer, and that is the committee called the Army Accounts Committee. The name sounds very uninteresting, but the subject that committee is going into is somewhat important. Members may know that this subject has created considerable controversy in England,—controversy as to whether each unit of the Army should take a financial interest in its affairs and watch the cost of its upkeep. The Lawrence Committee was formed and decided that that should be done, and a so called system of cost accounts was carried out for, I think, about two years. Since the present Government came in that policy has been reversed and considerable criticism has resulted. To some extent the

system is to be retained, certain units are still to keep accounts and find out what they are really costing the State, but ordinary regiments are not to do so. The matter is to go before the Public Accounts Committee in England and I hope the decision to do away with the cost system so far as regiments are concerned will be reversed. Now this is a subject which I believe the Army Accounts Committee is going into in India and I, as one connected with business and not as a soldier, consider that it is very essential that each army unit should have some knowledge of what it is costing from month to month and that it should keep some accounts to enable comparisons to be made between different units and, as a result, to ensure economy.

Sir, I am sorry we have had no fire from the opposite Benches. I am sure His Excellency would much have preferred to have replied to some of the criticisms which might be expected to come from them, but I understood from one interruption that an Honourable Member was going to speak at considerable length later on. Sir, I think in discussing Budgets, we are always inclined to look at one year and not to go back. We have, and very rightly, congratulated the Finance Member on the results disclosed this year. But if one makes a short review of the last 12 years one is reminded that we have had 7 deficit Budgets as against 5 surplus Budgets and that our deficits in those 7 years totalled over 100 crores against the surplus Budgets of 5 years totalling 32 crores.

The Post Office and postal rates is generally a very fruitful topic of discussion in this House and I see already on the paper an amendment of our postal rates. That subject has been very much thrashed out lately and I do not wish to refer to it further except to say that it is somewhat dismal to find that the profit of 17½ lakhs during the current year 1925-26 is expected to become a loss in 1926-27 of nearly 10 lakhs due to increased expenditure and increased interest charges.

Another subject which we have not heard mentioned to-day, or hardly heard mentioned, is the cotton excise duty and I am sure we all very much regret that that subject has been removed from these discussions, no one more so than the Finance Member himself. We shall have to find some other grievance because it would be quite impossible to carry on these debates without some star grievance of that nature.

made a start in reducing provincial contributions, it will not be assumed that that is enough, and that we can go on for the next few years until they are eliminated without considering further the revision of the basis of the contributions. It seems to me the settlement, which is known as the Meston Settlement, was made with very unsatisfactory materials to go upon. It is a settlement which no Province ought to wish to stand by, if the material on which the settlement was based has proved absolutely illusory, and I would suggest that it ought to be possible to get an independent reconsideration of this question. If the Province from which I come, Bombay, is treated more harshly than some others it is because, we believe, the material on which that settlement was based was unreliable and the conditions abnormal, and the result is a settlement which is most inequitable and ought not to be allowed to continue, even though the contributions have started to be reduced.

On the question of income-tax, I pointed out a year ago that there was a very heavy tax on the man who converted his business into a private company. Incidentally I should like to mention that a number of points made in the discussion last year were not replied to by Government. Everyone was rather weary on the second day of the general discussion and the Finance Member did not make a very long speech. I pointed out then that the private trader with a capital of 3 lakhs paid Rs. 39,000 in super-tax and if he converted his business into a company he paid Rs. 51,000. In other words, he had to pay Rs. 12,000 more per annum for the luxury of having his business as a limited company, assuming that he distributed the whole of his profits. I notice from the report of the Taxation Inquiry Committee that they do not take up this point at all beyond saying that the first Rs. 50,000 of profits which is allowed to companies to be free of super-tax should no longer be free, thus making the grievance rather more noticeable. It seems to me bad in principle that limited companies should be subjected to super-tax to such an extent in excess of the individual. The corporation profits tax has been done away with in England as being inequitable and I think it is very unfortunate that it cannot be done away with here. Unfortunately the Taxation Inquiry Committee do not approve of the suggestion that super-tax on companies' profits should be done away with. Reference was made last year to the question of the small trader escaping income-tax. I do not know whether the Finance Member can give us any figures to show to what extent small traders, who are believed to come within the income-tax limit, do pay income-tax, and to what extent they fill up their forms, and to what extent they are taxed summarily whether these assessments from year to year are sufficiently expanded. If a man continues to omit to give figures or accounts, the usual procedure is that he is assessed at a round figure and he has to pay that sum unless he can produce accounts and prove his assessment is excessive. A year later it may be essential that that assessment figure should be increased, and this process will go on until in the end, if you increase it sufficiently, he will be bound to produce accounts, and only in that way you can be sure that the revenue is not suffering.

Sir, the policy of the present Finance Member with reference to the Reduction and Avoidance of Debt is very well known, and I think it is one of the chief subjects of congratulation to him. Very great progress has been made during his regime with reference to this subject. I notice that the unproductive debt in proportion to the total debt is decreasing—the percentage has steadily gone down during the last four years from 28.9 to

23 per cent, which is a very material reduction. While these debt figures are all very interesting, I still maintain that it will be equally, or even more, interesting to know where that productive debt has gone. That again is a complaint against Government accounts as compared with commercial accounts. Take an item like furniture, which incidentally is not purchased out of debt at all but out of revenue. Year after year we are spending many lakhs on furniture, there is no cumulative figure given in our accounts to show what the expenditure on furniture has amounted to. As regards expenditure from productive debt, you are putting up irrigation works and so on, but there is no balance sheet figure and you cannot find what is the total expenditure under any particular head. We have not made very much progress in our commercialisation yet, of course it is a long road, but I thought we had passed the day when the Finance Member in his Budget speech would refer to a Balance Sheet, when what he was really referring to was no Balance Sheet at all, but figures setting out merely the revenue and expenditure and the surplus for the year.

The Honourable Sir Basil Blackett That is my Balance Sheet for the year.

Mr H G Cocke If the Honourable Member will kindly look at Murray's Oxford Dictionary in the Library he will find that a Balance Sheet is a statement of assets and liabilities.

The Honourable Sir Basil Blackett That is in a company, but not in a Government.

Mr H G Cocke In the case of a Government we have not yet got a Balance Sheet unfortunately, but we hope that the day is not very far, and I believe in time public opinion will demand something more than what we get now in the shape of a commercialised Balance Sheet, not merely for Railways but for all departments of Government, to show really where the productive debt has gone.

There is one further point that I should like to allude to. I notice that the yield from postal certificates has gone up very steadily in the last four years from 3 crores to $6\frac{1}{2}$ crores, but that in 1926-27 only 4 crores are anticipated. I believe this is due to the fact that we have reached the fifth year, and possibly heavier repayments are expected in connection with the certificates taken out five years ago. But in view of the statement in the budget speech that it is intended to popularise these and make them more purchased by the community at large, I should be interested to know why a smaller yield is expected next year. I believe very much more could be done to make the sale of postal certificates popular. One suggestion I made last year, and which has not been adopted, was that the monthly figures of the various provinces should be published. During the war an impetus was given to subscriptions to war loans by inter-provincial competition, and I should like to see every month in the newspapers a statement showing what has been the yield from each province in the preceding month. Postal certificates have encouraged a considerable amount of thrift in this country, but I think there is scope for very much more. I suggest to the Honourable the Finance Member in connection with his new scheme that he might perhaps get an aeroplane placed at his disposal by His Excellency the Commander-in-Chief and go round the country and have, not a War

Loan Week, but a Postal Certificate Week, and make many speeches to induce large subscriptions to these new postal certificates

I congratulate the Honourable the Finance Member on his Budget, which is an excellent and a sound one, and I hope that we shall have many more Budgets equally sound. But I hope also that it will be possible, instead allowing this continual criticism of the scheme of provincial contributions to go on until they are eliminated, that the matter will be taken up by an expert and independent committee which no one could say was influenced in favour of one province or another.

The Honourable Sir Basil Blackett Sir, I realised when I introduced my Budget that it was a good one, but I did not realise that it had such devastating beauty that it was going to render every one on the Swarth and Independent Benches speechless. Sir, I remember a story of an American and his wife who left their grown up family at home and travelled round the world. They went through Japan and China and the Straits Settlements and arrived in India. Even in America the lady had been talkative, but she was still more talkative on their travels. At last they came to Agra and saw the Taj Mahal, and the American sent a telegram home to his children saying, "Taj wins, Ma dumb." That, I think, Sir, is what my Budget has done.

Mr M. V. Abhyankar (Nagpur Division Non-Muhammadian) Do not forget that the Taj is a tomb.

The Honourable Sir Basil Blackett The speech that I have to make to-day is therefore considerably simplified. I can imagine in other circumstances that there would have been a good deal more criticism than has reached my ears to-day. I thank those Members who have spoken and who have been kind enough to say kind things about me. There is very little left, after doing that, and after the speech of His Excellency on the military Budget, for me to answer. But I will endeavour to go through the various points that have been raised. I will deal first, while I remember them, with the points made by the last speaker, Mr Cocke, who, as usual, gave a very interesting address, for which I am really grateful. He told us that in the case of cash certificates we could do more in the way of securing publicity by some inter-provincial competition. We did, as a matter of fact, in response to his suggestion last year, publish last October rather a full statement showing the contributions towards what we get from cash certificates province by province for a considerable period. What I understand Mr Cocke desires is that we should go a step further and publish these monthly and have a sort of monthly competition for our young people, which I think will be very useful indeed, and which I shall be very glad to follow up so far as it may prove possible. There are, I know, difficulties about getting these figures at all reasonably in time. As regards the figure that we have put into the Budget this year, it is very much the same figure as we put into our estimate of receipts last year. But in the event the income was greater than we anticipated. But this year I think we are bound to anticipate some falling off in the net receipts both on account of the increase in repayments, which to some extent we must look for, but still more in view of the fact that we contemplate reducing the yield. It will probably not very greatly affect the receipts but we may probably reduce the total yield and we

are bound to be cautious in our estimate. I would point out that these figures are part of our ways and means estimate and are not to be taken as so closely exact as some other figures.

Mr. Cocke always objects to my use of the word "balance sheet" but I believe that it is perfectly correct to use the word "balance sheet" of our Government accounts. It is not necessarily a commercial balance sheet and I dispute the claim of a chartered accountant to reserve the word "balance sheet" only for some balance sheet in accordance with the meaning in chartered accounting. But that is not, I think, a very serious point.

We have had a speech from Mr. Datta which need not, I think, be dealt with by me at any great length since I am dealing with the Budget, because he wandered off into rather different subjects. I may tell him, however, that there has been no increase in our expenditure on Ecclesiastical Services. On the contrary, there has been some definite decrease since the Inchcape Committee Report and we have been following up to the best of our ability the recommendations of the Inchcape Committee in that matter. It is largely due to the inclusion of expenditure in England under the same vote as the ecclesiastical expenditure, instead of under a separate vote, that the increased figure shown in the estimates arises.

Mr. Cocke also asked, I understand, about our productive debt. If he will look at the Finance and Revenue Accounts of the Government for 1924-25, recently published—Statement S2B—he will find set out there the total debt on the 31st March, 1925, and the total amount debited to each of the commercial departments. The productive debt is there set out under Railways, Posts and Telegraphs, Irrigation, Forest, Salt and Industries and very full statistics are given. Unfortunately, they are not quite so clear as they might be owing to the fact that exchange is included at 2s 6d. But the figures are given there and if Mr. Cocke is interested, he can read them.

Mr. Hudson spoke for Bombay and other Members have spoken on the position of Bombay and on the question of provincial contributions generally. I am not in a position to make any promise at the moment in regard to the Government's intentions as regards provincial contributions. We have set before us as our objective the abolition of the provincial contributions at the earliest moment reasonably possible. But I agree with Mr. Cocke that that is not enough, that some revision of the arrangements arrived at in the Meston Settlement must ultimately take place, but how soon that can be done is not a matter on which I should like to prophesy. You have got a settlement and it is a very difficult thing to get a settlement, and a bud in the hand is worth two in the bush even to Bombay and Bengal. The House must remember that the worst sufferers in many senses under the Meston Settlement has been the Government of India. If we have been unable to reduce central taxation to any great extent and if whenever we do reduce central taxation we get into trouble with the provinces it is largely because of the Meston Settlement. You are in a very great difficulty in re-opening a question of that sort, so long as there is a large gap between the amount which the provinces claim, namely, the minimum amount that they would get under the Meston Settlement after the provincial contributions have been released, and the amount which the Central Government get, which is at the present moment more than Rs. 5 crores short of the amount that the provinces claim. It --

obvious that if you are going to re open that settlement at any particular moment you are in a difficult position when there are nine mouths wide open and there is rather a short amount of food to feed them. But the Taxation Inquiry Committee's Report has in that matter taken us a step forward. There is a very interesting chapter towards the end of that report dealing with the theoretical distribution of taxation as between the various taxing authorities and on one particular question we do feel that the time has come when an attempt should be made to take a step forward, namely, in regard to Devolution Rule No. 15 and the provincial share of the income-tax. We hope to take up that question during the summer. Whether we can arrive at a solution depends, I say, on the goodwill of nine provinces, all with divergent interests, all with interests divergent from that of the Central Government.

Colonel Crawford and others including Mr. Cocke spoke on the desirability of reducing the burden on the consumer, and particularly the consumer who is not very wealthy, that is imposed by what are called our luxury taxes and by some others among our customs duties. The four which were particularly mentioned by Colonel Crawford were motor cars, patent medicines, tinned foods and cheap clothing. I assume that he intends by cheap clothing to exclude artificial silk and silk stockings which have attracted the attention of the Chancellor of the Exchequer in other countries.

Colonel J. D. Crawford I said necessities

The Honourable Sir Basil Blackett I should not like to have disputes with the wife of any Member of this House whether artificial silk and other kinds of silk stockings are articles of necessary clothing. But I may say that of the articles mentioned motor cars are the only ones which are taxed at present on the luxury rate of 30 per cent. All the others are taxed at 15 per cent except in the case of patent medicines which are spirituous. It is rather difficult at this moment to hold out any expectation of any reduction of the 15 per cent rate which is the general tariff rate, in the absence of very strong grounds. At the same time I do recognise that these duties do increase the cost of living for people some of whom can ill afford any increase in the cost of living, and we did during the course of the winter go carefully through our tariff schedules to see whether there were any taxes on which we could propose reductions either in the hope that a reduction would bring us some additional revenue or because reduction would not cost any very large sum but at the same time might bring considerable relief. The Tariff Bill which my Honourable friend the Commerce Member recently introduced dealt with some small items that came under scrutiny but we felt that for the time being any important reduction was not possible. As regards motor cars I do not think there is something of a special case. The importance of communications is one which I think can seldom be over-emphasised. I was reading just the other day of a complaint. This was in an official file. A complaint had been made in regard to the condition of roads in a certain province. I do not want to be specific. After inquiry it was found that the complaint in one particular district was thoroughly justified and there had been an increase by two annas a maund in the cost of food grains in the market centre simply because of the additional time and cost in car and cart required by the ox wagons to cover these deteriorated roads. If you can have so important an effect on food grains in a local market as the result of neglect of your roads it can be seen from that instance how

a large portion of the cost of articles for the consumer at the place where they are consumed is dependent on the costs of transportation generally and on the existence of good roads, good railways and good forms of transportation all round. I very much like the idea mooted by the Taxation Committee that there should be a reduction to some extent of the duty on motor cars and that on the other hand something in the nature of a road fund should be instituted by the Provincial Governments. I am merely expressing an opinion at first sight after reading the report. It is not a matter which we have had time as a Government to study yet but it does seem to be an interesting suggestion. However, the motor car duty can hardly be said so far at any rate to have been unsuccessful, and there is another reason why for the moment a reduction in this and other duties would probably not be so opportune as it might be at any other time. There has been recently a very considerable fall in price and the effect of a change in the rate of duty when prices generally are falling is very much smaller than it is when they are stationary or still more when they are rising. For example, the average price for motor cars—that is for cars and not for motor omnibuses—in 1921-22 was Rs 5,993. That is the average price of cars imported in the year 1921-22. The average price in the first six months of 1925-26 is Rs 2,135, a great deal less than half, very little more than one-third. So that, the actual amount of duty charged has fallen by very nearly 66 per cent since 1921-22, although the rate has remained the same. That is not the moment when you can get the best effect out of a decrease of duty. I am however grateful to Colonel Crawford for raising this important point. It is a matter which we certainly must continue to keep in mind and to which we must pay attention.

Something has been said about the position of the Post Office, but I think Mr Cocke put his finger on the true case when he said he saw with some disappointment that the surplus on the working of the Department as a whole in the year 1925-26 had been turned into a small deficit in 1926-27. That is unfortunately the position and it is difficult to see how we can for the moment take any useful steps to improve that position. We can hope that a return to prosperity in trade will increase at any rate the revenue from telegrams.

I do not propose to follow the speakers who dealt with our military problem and the trans-border difficulties beyond saying that I essentially agree that we want our military expenditure to be adequate, but not more than adequate, and I disagree profoundly with Colonel Crawford when he suggests that the experience of the war shows that had Great Britain spent more on military services before 1914 she would have been in a better position now. If the Honourable Member will read what Lord Grey has to say on that subject in his recently published Memoirs he will observe that it was Lord Grey's definite view that increased expenditure on armaments by Great Britain in the decade before the war would have hastened the war. So that the argument that our insurance must be adequate is a very difficult one. No insurance is adequate against all possible contingencies. It is a matter in which you have to gauge the comparative value for purposes of insurance of having a large army and the value of having a smaller army and a contented population and better economic conditions than if you were spending more money on the army. You cannot arrive at an absolute figure. But beyond saying that the insurance must be adequate it is not possible to say that the expenditure should be so and so.

I have endeavoured to deal with the various points that have been raised. Bombay's unconcentrated wrath against me does not, I think, require more than I have already said in regard to the possibility of a revision of the Meston Settlement. I should have liked to study the actual figures showing the reduction in the yield of taxation in Bombay, and I should like to know how far that was due to the deliberate policy of Bombay and how far it was merely the result of misfortune. I see that the House is now anxious to go to lunch. I should like to congratulate them all on (almost for the first time in my experience) having all made really businesslike contributions to the budget discussion (Applause and Laughter)

Monday 8th March, 1926

THE GENERAL BUDGET—LIST OF DEMANDS

SECOND STAGE

Expenditure from Revenue

DEMAND No 16—CUSTOMS

The Honourable Sir Basil Blackett I beg to move

"That a sum not exceeding Rs 71,84,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Customs'."

***Mr M A Jinnah** I formally move that the consideration of this motion be adjourned. I do not wish to repeat anything which I have already said. I will only meet one point that the Honourable Member there made that I have given no reason whatsoever why I wanted this Executive Council Demand to be taken up first. (*An Honourable Member* "Convince him") There are also other Honourable Members who may want to know. I want to give the reason to the House quite frankly. We want to raise the question of the general policy of the Government. We want to pass a vote of censure on the Government and the most appropriate Grant for that will be the Executive Council Grant. Sir, I will quote again the language of the Leader of the House and I will point out that he himself recognised it by an arrangement. I will only read five lines of his speech last year. This is what he said.

The Honourable Sir Alexander Muddiman: I do not propose to weary the House with a long speech on this motion for adjournment. If the occasion were an ordinary one, I should be willing to meet the wishes of the majority or a very considerable number of this House. This, however, raises a question of considerable constitutional importance. My Honourable friend says that he desires that a constitutional debate should take place on the travelling allowances of members of the Executive Council. What he really intends to do is to endeavour to induce the House to refuse supplies and if that is the case what better opportunity has he got than the Demand under Customs? He thinks he will get some tactical advantage by adopting the course he has in view. On the last occasion when I agreed to a change of the order of the Grants I must remind the House of the circumstances. It was on the last day of the debate. It was the desire of the House that we should have a constitutional debate and I changed the order of one Grant only. If it is the desire of my Honourable friend to censure Government, he can satisfy it by rejecting the Customs rather than by refusing the travelling expenses of my Honourable colleagues. If it was a question of their salary, it might be another matter. Therefore, Sir, as the constitutional debate can take place just as easily on Grant No. 16 and as it is first on the list of business, I oppose my Honourable friend's motion.

Pandit Motilal Nehru (Cities of the United Provinces Non-Muhammadan Urban) It is time that I make the position of this side of the House clear. It is perfectly immaterial to us what Demand for Grant is taken up first. We are here under a mandate to-day with clear and specific instructions how to act, and these will apply to any Demand that is put forward first. Therefore if any division is asked for on this question, which is quite immaterial to us, we shall abstain from taking part in it.

***Mr Bipin Chandra Pal** I desire to say only one word on this motion and it is this. We want the Demand relating to the Executive Council to come first because, as my friend and leader Mr Jinnah has said, we want to discuss the general constitutional question. My Honourable friend the Home Member has assured us that that question can be raised on Customs also but we have our difficulties in regard to Customs. We do not want, I for one personally do not want, to throw out the whole Customs Demand. (*An Honourable Member "Why?"*) For this simple reason that the Government in that case may restore some and refuse to restore others. For this reason I think, it is only fair that we should be allowed an opportunity, as we had last year of raising the constitutional issue not upon Customs or any other Demand but upon the particular Demand which has been referred to by my friend Mr Jinnah. We know what is passing in the minds of my friends opposite, and the House ought also to understand the tactics of the Government—how they want to put us in a difficulty, and I hope, understanding the tactics of the Government, the House will decide to support my friend the Honourable Mr Jinnah.

Dr K. G. Lohokare (Bombay Central Division Non-Muhammadan Rural) I am afraid the Treasury Benches have been putting us in a fix. The Honourable the Home Member has expressed the view that the constitutional issue can be dealt with by a refusal of supplies. Does he wish

to see the House throw out the whole Grant by putting the Customs Grant first? I should as well like to know if he considers a cut in the first Demand, the Customs Grant, sufficient to express the constitutional issue. I am sorry we are missing the issue. It is therefore extremely desirable that Government should do justice to the House and allow the Grant as requested by Mr. Jinnah to be discussed first, or else the Honourable the Home Member puts the House and other Members in a position in which we have no other alternative but to refuse supplies. It is the Government who put us in that position. That is the warning I want to give him.

The motion was negatived by 43 against 29.

Pandit Motilal Nehru Sir, this is the third and the last occasion in the life of this Assembly for Honourable Members to treat the Treasury Benches with the annual feast of grievances.

The Honourable Sir Basil Blackett Sir, I rise to a point of order. I would like to know whether the Honourable Member is moving the motion which does not stand on the paper, of which we have only had recent notice, that the demand be omitted. I feel that I am entitled to object to that motion being put, in view of the fact that we have had such short notice and the result of its being carried would be that the questions that are raised in the other motions that had priority over it would not be discussed, and in particular I should be left not knowing why Rs. 101 was to be cut owing to the inefficient administration of Customs. I think that is not a position in which I should be left.

Mr. President I think the Honourable Member is making a general statement as to the position of his party, in regard to all the Demands for Grants.

The Honourable Sir Basil Blackett Then he is not moving the motion?

Pandit Motilal Nehru No, I am not moving the motion. Sir, I was talking of the annual feast of grievances which is provided by the vicious system of government under which we have the misfortune to live, and I was going to say that this is the third and the last occasion in the life of this Assembly which gives an opportunity to Honourable Members to provide that feast for the delectation of the Treasury Benches. Sir, the system itself is a perennial grievance, and therefore it is not necessary for this House to pick and choose from among the Demands which have been laid before us. As I intimated to the House, we are here to-day under a mandate. Our instructions are quite clear and precise, and it is under these instructions that I crave your indulgence to permit me to make a statement. We have on the two previous occasions taken part in the discussion on the Budget. We told the British Government that we refused to be consenting parties to the administration which has been forced upon against our will. We took the opportunity to convey a message to the people of the United Kingdom that, unless that system was changed according to the wishes of the people of India, there would be no contentment in this country. That message, Sir, has so far been unheeded, and the latest utterances of high and responsible Members of the Government have shown the utter futility of any further action that

can be taken in this House. We come here to-day under a definite mandate to deliver to the Government the message of the Indian National Congress. For that purpose we avail ourselves of the rules of procedure, and I take the liberty to rise on the motion which has been made by my Honourable friend, Sir Basil Blackett. The message of the Indian National Congress to the Government and its mandate to us are embodied in this Resolution which was passed by the All-India Congress Committee only the day before yesterday.

"This meeting, having taken into consideration the pronouncements made in the Council of State and the Legislative Assembly by the Governor General and the Home Member and referred to in the Report of the Special Committee, is of opinion that the insistence of the Secretary of State and the Government of India on full co-operation by the representatives of the people under existing conditions clearly demonstrates the intention of the Government to coerce the nation into abject submission without making any advance on the present vicious system of Government. The Committee therefore has no option but to adopt the recommendations of the Special Committee and to call upon the Swarajist Members of the various Legislatures to follow the course laid down in the Resolution (herein quoted) of the Indian National Congress passed at Cawnpore.

'This Committee hereby calls upon the Swaraj Party in the Assembly to leave their seats after raising the constitutional issue once again on the first motion on the 8th March. This Committee hereby calls upon the Swarajist Members of all the Legislatures to conform to the other directions contained in the said Resolution of the Congress and to engage themselves in carrying out the programme hereinafter laid down.'"

I need not trouble the House with the programme which has been laid down, and confine myself to the mandate which I have just read. We are here to act on that mandate, and you will soon hear, Sir, that we are acting on the rest of the programme. I crave the indulgence of the House to state briefly what has led to the action we are taking. As I have said, we took part in the budget debates of the last two years. We did this on the time-honoured principle of "grievances before supplies". The Treasury Benches replied by piling up upon us all the obloquy and ridicule which they could, for presuming to use a weapon which we had not the strength to wield. After subjecting generations of the people to a long continued process of emasculation, they took a cruel delight in reminding them that they were helpless and could not enforce their rights as free men could do. Well, Sir, we admit that at present we cannot; the Government are welcome to derive such consolation as they may from that fact and to gloat over our helplessness. They are welcome to jubilate over their own shame. But however much we may be enfeebled in body, our soul tormented as it is, has never been and will never be killed! Your much-boasted Reforms are not acceptable to us, and we shall not have them. We said so before they came into operation. We refused to have anything to do with them when they were first put into operation. The Government replied by repression and oppression of an unprecedented magnitude. During the first period of the operation of the so-called Reforms, thousands of our best men were ruthlessly locked up in jail under various pretexts. They bore it all patiently and courageously. Then came the second period. Some of those who had abstained from coming into the Councils during the first period made up their minds to enter them when the second period began. This they did with the double object of testing the *bona fides* of the Government and showing their determination not to rest till they achieved what was their due. And what did they do? I, who was honoured by those who entered the

Assembly by being elected as then Leader, began by making this humiliating confession to the House What I said was

"We have come here to do something which we have not been doing so far Sir, we have come here to offer our co-operation, non co-operators as we are, if you will care to co operate with us That is why we are here"

I call this a humiliating confession advisedly and I wish I could convey to the House even a very faint idea of what I felt when I uttered those words But the words were well considered and carefully weighed before they were uttered The humiliation involved was of my own seeking I sought it and I got it But the tragedy conveyed no lesson to the unfeeling, stone hearts of the bureaucracy They rejoiced at what they considered our weakness and tried to rub it in But they failed to take note of the sentence which followed the one that I have just read It runs thus

"If you agree to have it"

—referring to co-operation—

"we are your men But if you do not, we shall like men stand upon our rights and continue to be non co operators"

So, the co-operation we offered has been contemptuously rejected and it is time for us to think of other ways to achieve our object I shall not trouble the House with the details of what followed They must be fresh in the memory of Honourable Members First came a departmental inquiry and then another more or less public, which is known as the Muddiman Inquiry The last inquiry culminated in a Majority and a Minority Report These reports have been the subject of consideration and important pronouncements by responsible Members of the Government, by the Secretary of State, the Governor General and by my friend, the Honourable the Home Member They have been fully discussed in this House and the Resolution of the 8th of September last was the result of the deliberations by this House Then, Sir, we waited and waited We were told from time to time that the matter was receiving the great consideration, the careful thought, that it deserved and that in the fulness of time the Secretary of State and the Governor General would announce their final decisions Now, up to the 21st of January last, my Honourable friend the Home Member, when he answered certain questions, was in the same waiting frame of mind The question asked of him by Mr Gaya Prasad was

"Will the Government kindly state what conclusions, if any, they have arrived at regarding the amendment passed by the Legislative Assembly on the 8th September 1925 on the Muddiman Committee Report? Have they sent any despatch to the Secretary of State for India, if so, when, and are Government prepared to lay a copy of it on the table?"

There were other questions of the same kind I have read one to show the nature of them all I will now read the answer given by the Honourable the Home Member He answered all these questions together He said

"As was stated by His Excellency the Governor General in his valedictory speech on the occasion of the dissolution of the first Council of State, it was and remains the intention of the Government of India to formulate their conclusions on the debates in both Houses on the Reforms Inquiry Committee No despatch to the Secretary of State has yet been issued, and though the subject has been discussed the Government of India are not yet prepared to arrive at a decision on a matter of the greatest importance, on which it is essential that the Government should have ample time for the fullest consideration"

So, this was in answer to the question which was asked as to what was being done on the Resolution passed by this House and the matter is here said to be "of the greatest importance on which it is essential that the Government should have ample time for the fullest consideration" It would strike the ordinary reader, as it struck this House at the time, that the Government were yet in the early stages of their consideration of this matter, this most important matter, and that the "ample time" that was required would extend to some months But what do we find? In less than a month, the matter came up before the Council of State, and there a Swarajist Member, Seth Govind Das, moved an amendment to the Resolution of the Honourable Mr Sethna asking for a Royal Commission earlier than at the time appointed in the Statute The amendment of the Honourable Seth Govind Das was that action be taken by the Government on the Resolution of the Assembly at the earliest possible moment Now, what was it that my friend, the Honourable the Home Member, said in that House? I will only read one passage which is enough for my purposes He said

' On this amendment I am in a position to give the considered opinion of the Government of India '

Remember the amendment was to take action under the Resolution passed by the Assembly not only on the 18th of February 1924 but also that of the 8th of September 1925 On the 21st of January the Government were in deep meditation, engaged in consulting the members of the British Cabinet, and they did not know where they were But on the 18th of February the mind of the Government was made up on this amendment which was none other than the Resolution passed by this Assembly The Honourable the Home Member said

" I am in a position to give the considered opinion of the Government of India It was brought forward in September We considered it then and we put forward the provisional opinion of the Government of India then We have considered it since then and after the debates in both Chambers I have authority to say that the Government of India are unable to make any such recommendation to His Majesty's Government in the terms of the amendment "

(An Honourable Member " Shame ") Within this short period of less than a month, the Government of India came to the final conclusion on that Resolution What they were unable to achieve in six months was accomplished in this period of less than a month Can the answer given on the 21st January, examined in the light of the statement made on the 18th of February, be called an honest one? Is it conceivable that the Government were absolutely blank on the 21st of January and some new light suddenly dawned upon them during the short interval between that date and the 18th February which enabled them to come to final decisions in the matter? And what were the decisions? They were the self-same decisions which under the name of provisional opinions had been announced from time to time by the Secretary of State and by the Governor General and of which the key note was " Co-operate with us fully and then we will consider what more we can do for you ' Sir, we are not children, and the Government know very well how far it is possible for this section of the House to go with them on the road to full co-operation The late Mr C R Das offered generous terms for honourable co-operation Government rejected them And what was as that we have been doing in this House? I say that it amounts

fullest co-operation that we Swarajists are capable of under existing conditions. The reports of the proceedings of the House and of its Committees will amply bear out what I am saying. Sir, we strained our capacity to co-operate to the breaking point. But now, behold at the door who will not see, not that they could not see, they say that no more is possible and yet in the utterances to which I have referred more and more was expected. We were threatened that, unless it was the fullest co-operation in the sense of working all the details of these Performances without any demand, and doing as the Government told us to do, unless we put ourselves in that submissive frame of mind nothing further would be done for us. Have the Government done anything to deserve the full co-operation they demand? A measure of co-operation, however small, was admittedly given even by this action of the House to the Government. This has been acknowledged in the utterances I have referred to but it was taken only as a sign of better things to come—more co-operation to come. What the Government have done to deserve it is that they have repeatedly flouted the opinions of this House, the considered Resolutions of this House, the Bills that were passed by great majorities in this House. They have passed laws by certification which have been aptly described as lawless laws. This is what they have done. This Assembly came into being just before the Labour Government came into power. What was the first fruit of it? An Ordinance was passed shutting up some of the noblest sons of India without trial in jails. Those sons of India are till rotting in jails. This House passed a motion of adjournment only the other day in which attention was called to the ill-treatment, the cruel treatment to which the detenus were subjected. (*An Honourable Member on the Government Benches* "Question") If that is questioned, then I say that nothing will appeal to the Government Benches. What was the meaning of the extract read in this House from the evidence which Colonel Mulvaney gave before the Jails Committee?

The Honourable Sir Basil Blackett That did not explain why they went on hunger strike. We did not know.

Pandit Motilal Nehru Why, because every man is judged by his antecedents and we know your antecedents. These antecedents have been described by your own countryman, a countryman against whom you cannot possibly say that he has not told the truth. Has Colonel Mulvaney stated or not stated the truth? Was he a liar? (*An Honourable Member on the Government Benches* "Yes") (*Lala Lajpat Rai* "And you are not!") (*An Honourable Member* "Who is the liar?") Was the person who suggested a lying report to Colonel Mulvaney a lesser liar or greater liar than he was according to you? Is that not a fact? Have you had the courage to deny that Colonel Mulvaney was instructed to send a lying and perjured report? There are those instructions in black and white and you now, behind the back of an Englishman, your own countryman, have the audacity to say that he is a liar. (*Cries of "Shame"*) I know that in order to maintain your grip on this country you will do anything, you will go to any length, you will even desert your own countrymen.

Now, what are the other favours bestowed by you upon India? There was first the Lee loot. After taking the Lee loot, you gave some ewe-washes. An announcement was made the other day by His Excellency the Commander-in-Chief of a Royal Indian Navy. It seemed indeed to be something very grand to have the Royal Indian Navy that was coming to

us even before our right of entering the Army was conceded, even before the Skeen Committee had succeeded in exploring avenues for the supply of ten men from the whole length and breadth of India to fill ten vacancies—not in the Commissioned ranks, but for training at Sandhurst they were had put to find these ten men, but they find no difficulty in making an announcement that India is to have a Royal Navy of its own. Well, yes, just as India has an Army of its own, and when you look at the terms of the announcement and work it all out, God only knows whether within a hundred years we will have even a tenth part of that Navy manned by Indians. That is the announcement.

Then there is the Royal Commission on Agriculture. A very tempting announcement indeed. In a country which has agriculture as its staple industry, and depends solely upon it, anything to improve the industry would be welcome news to all classes of the public. Of course the Commission is coming. We shall know what good it will do when it has come and gone, but we know enough from the reservation of matters which are not to be within its jurisdiction to foresee that it is not to be anything very grand or a thing which will carry us very far.

Sir, I do not propose to go into other matters. They have been fully discussed on the floor of this House. I do not wish to exhaust the list of the grievances of the public or of the wrongs inflicted by the Government. They are all to be found in the reports of the debates in this House and are public property, but I should like to call attention to one passage in the statement which was made by Lord Birkenhead in the House of Lords, the famous statement on the Reforms. That statement has been fully discussed on the floor of this House and quoted from in the speeches of the Governor General delivered from time to time, and His Excellency's inaugural addresses in this Assembly and in the Council of State. I do not wish to comment on those speeches to-day, but I do wish to notice this remarkable passage occurring in the speech of Lord Birkenhead. He says

“ We shall not be diverted from its high obligations ”

—high obligations of what? Of the Preamble to the Act—

“ We shall not be diverted from its high obligations by the tactics of restless impatience. The door of acceleration is not open to menace, still less can it be stormed by violence ”

(“ Hear, hear ” from the Government Benches.) Now it is all very well for Lord Birkenhead to have thundered forth those words, and for the Benches opposite to applaud them and shout “ hear, hear ”, but who in the world ever tried to accelerate reforms by menace, by threat or by violence? You will say there are criminal conspiracies, secret conspiracies and secret societies. Surely when Lord Birkenhead made that statement he was making it on the demand by this House, and can it by any stretch of reasoning be said that that demand was accompanied by any kind of threat or menace? As for the existence of anarchical societies, I do not feel it necessary to go into that question to-day. I have gone into that question fully, and I only warn you that if you do not take care, you will find the whole country from end to end honeycombed by these anarchical societies. Sir, violence of any sort, as you know, so far as my party is concerned, does not enter our ethics. We resort to no menace or threat. We know the great power that this Government wield. We know our own weaknesses. We know that in the present state of the

country, rent as it is by communal discord and dissensions, civil disobedience, our only possible weapon, is not available to us at present. But we know also that it is equally unavailing to us to remain in this Legislature and in the other Legislatures of the country any longer. We go out to-day not with the object of overthrowing this mighty Empire. We know we cannot do so even if we wished it. We go out in all humility with the confession of our failure to achieve our object in this House on our lips. We should indeed have done so much earlier, but the superior diplomacy and tactics of the Government put us off from day to day. We never believed in their professions, but we did not wish to put ourselves in the wrong, and we waited till a clear answer to our demand was forthcoming. It has now come clear and crisp from my Honourable friend the Home Member. There is no more use for us here. We go out into the country to seek the suffrage of the electorates once more. We do not give up the fight. We fully agree in the sentiment contained in the lines misquoted by Lord Birkenhead in the statement to which I have just referred. They are quite opposite but not in the sense in which Lord Birkenhead used them. They run thus

"He either fears his fate too much
Or his deserts are small,
Who dares not put it to the touch
To win or lose it all"

We have no misgivings either about our fate or our deserts, and we go forth into the country to put it to the touch to win or to lose it all. We feel that we have no further use for these sham institutions, and the least we can do to vindicate the honour and self-respect of the nation is to get out of them and go back to the country for work. In the country we will try to devise those sanctions which alone can compel any Government to grant the demands of the people. We hope and trust that the nation will give a suitable reply to the truculent rejection of our demands and will send us again in larger numbers with a stronger mandate, and, God willing, with the sanction for fulfilling its aspirations and enforcing its commands. These are the few remarks, Sir, that I wished to make in order to make the position of the Swaraj Party clear. I now beg your permission to withdraw, and I call upon all Swarajist Members of this House to follow me.

(On the conclusion of his speech Pandit Motilal Nehru and all the Members of the Swaraj Party walked out of the Chamber in a body.)

The Honourable Sir Alexander Muddiman Sir, I do desire to know if my Honourable friend wishes to leave the House—I see he is leaving the House—without giving me some opportunity of replying to the remarks that he has made before finally leaving this House. He has said that he is going to take his desert, but, Sir, I fear greatly that he is going into the desert. It is to me a matter of considerable regret that in future these debates, and my own life in particular, will not be enlivened by remarks from the opposite Benches. However, as a sincere well-wisher of India, I cannot help feeling that no good has been done to the cause which so many have at heart. Sir, I am old enough to remember many exoduses. I cannot indeed remember the exodus from Egypt, but I do remember the exodus from the Calcutta Corporation. My Honourable friend, the Honourable Mr Pal, also probably recollects that. I am one of those who believe that very little is done by exodus. I prefer to rely on Genesis.

Diwan Bahadur T. Rangachariar (Madras City Non-Muhammadan Urban) Except perhaps the exodus to the hills

The Honourable Sir Alexander Muddiman Exodus to the hills That, Sir, is a form of travelling I always enjoy as far as possible Last year the House was somewhat unkind in endeavouring to deny me the travelling allowance to go there

Mr Bipin Chandra Pal That exodus to which you referred, Sir

The Honourable Sir Alexander Muddiman It is essential that I should make a few remarks on this question of refusal to further aid the House or aid the Government in its deliberations My Honourable friend the Pandit, whose benevolent countenance I shall miss very much indeed, has gone out and has deprived this House of two very definite immediate services which I hoped he would have placed at our disposal The one is the speech which we had all been waiting for on the Frontier Resolution and the other is his assistance in the South African debate We are deprived of that, Sir, and I think many of the Members of the House will feel some distress on that account

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions) Muhammadan Rural) They will return if the contingency arises

The Honourable Sir Alexander Muddiman I do not know whether my Honourable friend is more in the secrets of the Party than I am I understood the withdrawal was definite

Maulvi Muhammad Yakub That is in the Resolution passed at Cawnpore

The Honourable Sir Alexander Muddiman My Honourable friend seems to know more than I do I endeavour to collect what information I can from speeches delivered in this House Now, Sir, it was said that those who now unfortunately have left us lonely—and I feel lonely—left us because they had decided to come in for two reasons—(1) to test the good faith of Government and (2) to tender co-operation Sir, was that the language that was employed when they entered these Legislatures?

The Honourable Sir Alexander Muddiman I am sorry, Sir, that your ruling should deprive at least one Member of the House of the pleasure of listening to me When I was interrupted I was developing the point that in the speech we have just listened to, it was said that the Party in question entered this House for a double purpose, one of testing the good faith of the Government and the other of co-operating, or at any rate co-operating within limits Sir, my recollection of these matters is always doubtful and I fear to attempt to state facts without verifying them But my impression, which I think will be confirmed by the recollection of other Members of this House, is that the avowed object with which the entry was made into the Councils was to destroy and not to construct I recognise, and I recognise with interest, that it is impossible to associate with a House of this kind without developing constructive tendencies I was extremely interested to see that constructive work has been done in spite of those who said that nothing would induce them to do that work It is by that, Sir, that advance will be made I speak as a sincere friend of India—I at any rate and my bureaucratic friends who to my mind consider the best interests of India,—desire to see this constitution worked to its full It is in my judgment the only way by which you will advance It has been admitted to be the only way, and you cannot, in my judgment—right or wrong

by any other path, and I should rise under a feeling of extreme discouragement to-day did I not recollect that we are too close too near to examining these matters critically. We are inclined to attach too much importance to what will be described, I fear, as a contemptuous gesture but will finally be regarded as merely a pose, an attitude. We must take a broader view. We must endeavour to look at these things from a somewhat more distant standpoint. What are the facts? In the first Assembly we had none of that brand or thought. In the second Assembly, what have we? For 2½ years, till the very verge of the dying of the Session, we have this Party with us and I have not the faintest doubt that if all the sheep come back from the wilderness, they will be with us in the third Session till the last day of that Session. My Honourable friend behind me interrupts, "They will walk out." No, Sir. They will not walk out. They will remain and they will co-operate, and by doing that, they will have made the first advance, the first real step, towards the goal which all of us have so much at heart.

Pandit Madan Mohan Malaviya Sir, I am very sorry that I should have to speak on this motion, or rather on the observations which have been laid before this House by my Honourable friend Pandit Motilal Nehru and the Honourable Sir Alexander Muddiman. I feel, Sir, that the remarks made by the Honourable Pandit Motilal Nehru deserved to be taken in a better spirit than that in which they have been taken by the Honourable the Home Member. It cannot be a matter of satisfaction to the Government or to the country that there should be such a sharp and serious difference between the representatives of the people and the Members of the Government. It cannot be a matter of congratulation to the Government that so many of those who joined this Council should consider it their duty now to retire from it. The Honourable the Home Member has treated the matter somewhat in a spirit of ridicule. He talked of the exodus, of some of the famous exoduses in history. But here we have certain very plain and simple facts before us. They have been narrated in a dignified manner by the Honourable Pandit Motilal Nehru which justify or at any rate offer an explanation for the action which he and those who think with him have taken. In view of that statement I think Government ought seriously to consider how far they have by their own action given strength to those who believe that the Government do not really want co-operation. The Honourable the Home Member questioned whether the Swarajists came here with the object of co-operating. I consider that, in the face of the very clear statement made by the Honourable Pandit Motilal Nehru on the first occasion when he put forward the demand for constitutional reform in this House, and which he repeated to-day, it is not open to any Member to raise a question about the motive of those who came in with him. They came to co-operate and they have given you the reasons why they feel that co-operation is now fruitless. They may be right, they may be wrong, I do not agree with all that they do, I do not agree with all the opinions they expressed, but they have placed before this House the reasons why they have not been able to continue to work here, and I submit that in this situation a responsibility is cast upon the Government to consider whether they have done all that they should have done in order to satisfy public opinion. To-day these Members have left the House. They will go to the people to tell them that they have tried to work with the Government and that the Government have not responded to their co-operation. It is the duty of the Government to consider whether, in view of the repeated demands of this House, they should not take such action as should satisfy

the country. On the question of further reforms practically the entire body of Indian representatives in this House were united when the national demand was put forward in February, 1924. On the second occasion when the Majority Report of the Muddiman Committee was being considered, this House again expressed its opinion more fully by a large majority. In the face of that expression of opinion by this House, what have the Government done to satisfy the people of this country? I submit that the Government have not done their duty, and that they ought to adopt a better attitude and treat the expression of opinion such as we have had from the Honourable Pandit Motilal Nehru and the action which he and his Party have solemnly and seriously taken, in a better spirit if they want to have the good opinion of the people of this country in carrying on administration here.

Mr. President The Chair regrets the circumstances which have necessitated the withdrawal from this Chamber of the largest party in this House. Whether the crisis could have been averted or not by tactful and wise handling is not a question on which the Chair is called upon to make any statement. The fact, however, remains that the House ceases to be representative in the sense in which it was intended to be by the Government of India Act, and it is for Government to consider how far they should continue this House or not. There is absolutely no doubt that the Assembly, as it is constituted now, is merely there to register the decrees of the Executive Government. It cannot be anything else and therefore it is for Government seriously to consider how long they should allow this House to function. But so long as it is allowed to function I would advise Government to bring forward only such business as is absolutely necessary for the purpose of carrying on the administration and not to bring forward any controversial measures. The Chair has a duty to see that the machinery of the Government of India Act is not abused to the prejudice of the people of this country and for that purpose the Chair possesses sufficient powers in the shape of the adjournment of the House *sine die* or in the shape of refusing to put any motion to the House. I hope and trust that the Government will so act in carrying on the business of this Assembly hereafter that the Chair will not be compelled to resort to its extraordinary powers. I think it is necessary in the present atmosphere to adjourn this House till to-morrow morning at 11 o'clock.

Thursday, 11th March, 1926

DEMAND No 28—EXECUTIVE COUNCIL

Appointment of a Royal Commission on Reforms

Mr M A Jinnah (Bombay City Muhammadan Urban) Sir I move

“ That the Demand under the head ‘ Executive Council ’ be omitted ”

Sir, I think the House will probably understand more than it is possible for me to describe the circumstances under which I rise to address it on this question. I am sure Honourable Member will agree with me that there is a very heavy cloud hanging over us and I shall say no more. Sir, this motion is intended to raise a debate on the general policy of the Government, and in particular to raise the constitutional issue, and we

the Sandhuist and kindred promises were repudiated Lord Peel cast back the Assembly's request for constitutional advance in its teeth, and the Rowlatt Act, with all its accursed provisions, came back to life in the Bengal Ordinance."

Now, I ask the Honourable the Home Member who represents the Government, is this not a true picture of your policy and your attitude? Sir, to get back nearer In 1924, when this Assembly met at the very outset during the first Session, a Resolution was passed in this Assembly in February 1924, to which we got a reply from the Government which certainly was not satisfactory In the first instance we were told that a departmental Committee would be appointed to inquire into the defects and the difficulties in the working of this constitution That made not only the Assembly restive but the country outside was disappointed and at that time Lord Olivier, the Secretary of State for India, and the then Prime Minister, Mr Ramsay Macdonald, both in their pronouncements, in order to allay the public opinion,—conveyed the idea that the Government had every desire to come into closer consultation with the real representatives of public opinion and they impressed upon us in the clearest language that they were going to adopt methods and means of so doing and that this Committee which was announced was not a device or a design for delaying the solution of this question Then, Sir, we had the Muddiman Committee The Muddiman Committee, as you all know, as Honourable Members here all know, had its hands tied by the peculiar terms of reference, but nevertheless there was a minority report signed by men like Sri Tej Bahadur Sapru, my friend the Honourable Sri Sivaswamy Aiyer, and Dr Paranjpye, who command the confidence of the Government, who have worked inside the Government and who have worked outside the Government And what did they say? They made their recommendation And what was their recommendation? Can anyone make a mistake about it? Is there any doubt about it, as to what their recommendation was? Their recommendation was, Sir, if I may read those few lines this After going through an elaborate inquiry and after taking the evidence of a number of witnesses, both officials and non-officials, they came to this conclusion This is the passage that I wish to read to the House They said

"The present system has failed and in our opinion it is incapable of yielding better results in the future"

And then they point out the various defects principal, fundamental inherent defects, and having pointed that out they further say

"We were precluded by the terms of our reference from examining those various proposals which were of a fundamental character and which required the overhauling of the constitution"

And therefore the minority report concludes by saying this

"We do not think that the suggested amendments if effected will afford valuable training towards responsible government or will provide any solution of the difficulties which we have discussed in our chapter on Political Conditions or that they will strengthen the position of the Provincial Governments in relation to their legislatures or of the Central Government in relation to the Assembly The majority of our colleagues say that no alternative transitional system has been placed before us We think that no such alternative transitional system can be devised which can satisfactorily solve the administrative or political difficulties that have been brought to our notice To our mind the proper question to ask is not whether any alternative transitional system can be devised but whether the constitution should not be put on a permanent basis with provisions for automatic progress in the future so as to secure stability of the Government and willing co-operation of the people We can only

I would only add that it has been repeated *ad nauseam* He then proceeds

‘ I again restate it It is co-operation ’,

—and I dare say the Honourable the Home Member will again restate it to day—

“ It is co operation Now, I quite understand this House feeling that to repeat this word in a parrot-like way is to give no real answer But co-operation is not a word ”

—I agree with him there it is not a word—

“ It is a continued and steady course of conduct ”

—“Hear, hear”—I would have said to him if I had been there—

“ If every Member of this House and in every Legislature in India stood on his legs and shouted ‘ We co-operate ’, that would have no effect on my mind at all It is by a steady course of conduct that facts are established It has been said that co-operation has been received to a considerable extent I will not deny that in certain quarters it has been received I acknowledge thankfully on the part of Government the co operation that has consistently and steadily been extended to the Government by the first Council of State, and which I am perfectly sure will continue to be extended by the present House ”

He was trying to ingratiate himself with the other House

“ There are other instances undoubtedly, and the atmosphere is getting better I hope so and I hope it may continue I look to my Honourable friend to produce that result by his own efforts and by the efforts of those who think with him I will not enter into the difficult intricacies of some parties with which I am not fully acquainted lest I tread on delicate ground I trust soon that all parties may have at any rate one view, and that is they will work the existing constitution for all it is worth, and when that time comes about, then my Honourable friend will move his Resolution in a happier time I regret therefore I am unable to accept the Resolution moved by my Honourable friend ”

Now, Sir, I ask the Government and the Home Member who represents the Government here to-day, what does he want? Does he want that a certain section, a certain body of politicians who have committed themselves to a particular course of action, should give up their course of action according to your wish? And because they will not make a declaration that they are willing to give up that course of conduct, whatever may be the opinion of the whole country or the rest of the country, until those particular men eat their words, will you continue saying there is no co-operation or that it is better, but not sufficient? Is that the position the Government take up? I ask the Government to consider this Is there a single political organization, is there a single political body in the country that has not pressed the Government at least for a Royal Commission to be appointed forthwith? Are you going to treat the rest of the opinion in this country with contempt, because you have a certain section that you consider is impossible or irreconcilable or will not yield to you in the exact manner in which you desire? Is that your answer to the whole of India? You ask me to get what? Every party to agree I ask you, do you honestly mean that that is possible that it will ever be possible in India or in any other country in the world that all parties must agree, and till then the Government will not move? You ask what has happened? Now let us see what has happened I know the Honourable Member over there will tell me, that they have not worked the Reforms in the Central Provinces they have not worked the Reforms in Bengal I ask the Honourable Member here can he really and honestly tell me this or not, that in Bengal, if the things had been

handled better, the Ministry would have been formed, and the Reforms would have been worked. I maintain that you have bungled the whole business in Bengal.

The Honourable Sir Alexander Muddiman (Home Member) Is that in Bengal or in the Central Provinces?

Mr M A Jinnah Bengal

Sir Hari Singh Gour It equally applies to the Central Provinces

Mr M A Jinnah But I will assume for the moment that I am wrong, and that you are right, that there was a clear majority both in Bengal and in the Central Provinces that stoutly refused to work the Reforms. I will assume that. I ask you again, can you not realise this? Do you remember under what circumstances the elections took place? Do you remember what was the position when the last Assembly was dissolved? Do you remember what you did with your own friends who stood by you in the first Assembly? Do you know how you treated them? Did you listen even to the advice of the most moderate men in important matters? You ask, "What can be done now? A certain number of men have come in, in Bengal and the Central Provinces Councils and have made the Reforms impossible of being worked." But, Sir, is Bengal and the Central Provinces the last word on the subject? Is there no other part of India in existence? What about the other Provinces? And above all, what about this Assembly? The Honourable Member is looking at the empty Benches.

of this Session—will you point out to me a single important measure brought before the House where you did not get co-operation as defined in the words of the Honourable the Home Member

The Honourable Sir Basil Blackett What about the Finance Bill of 1924?

Mr. M A Jinnah That Finance Bill stands on a very different footing and I shall come to that in a minute, if you will allow me. Let me tell you as a matter of history that the rejection of the Finance Bill in 1924 was not moved by those gentlemen whom you call non-co-operators in this House or in the Legislatures but was moved by the greatest of co operators and supported by him. Therefore, do not please try to draw a red herring across my path. You do not say that you find fault with the Independent Party. You do not say that the Independent Party has not co operated. You do not say that the Liberals have not co operated. You do not say that a large body of the 350 millions of people in this country are not co operating with you. You have got only one section in your mind, and that is the Indian National Congress. At the most there are 7,000 members in that Congress. And because they have taken up a particular attitude, you say that the entire country is to be penalised for it. I say that is a position not worthy of any Government, unless you wish to make an excuse. This is the impression that you have created. I will again refer to what even the Right Honourable Mr. Srinivasa Sastri says. He says

"In these circumstances am I too pessimistic to warn our countrymen against simple minded trust in British generosity or is *The Bengalee* too optimistic in trying to persuade us that there is only a bright side to the story of British doings in India? It is easy enough to blame the Swarajists for all our ills."

That is what you are doing

'Poor chaps' It is true enough their policy is unwise and their strategy utterly futile. But let us not be deceived. There is overwhelming evidence that for the time being the old Imperialism with some at least of its sinister consequences has reasserted itself in Great Britain and that till the people of India learn to unite and put full constitutional pressure on British policy they must be prepared to be used again and betrayed again."

Now, is there any justification for this charge or not? If it is not true, why have you not made up your mind to announce a Royal Commission forthwith? Why do you say you are ready to announce the Royal Commission and in the next breath say "Bring me the irreconcilable men, bring me the irreconcilable party. Not merely should they act and do their best, to work the constitution, but they should make a confession and a declaration of that confession that they are beaten and they want now humbly to co operate with us." That is what you want. Sir, when we raised a debate this time last year, I said that the only issue was whether you are going to appoint a Royal Commission at once or not. In the September Session of 1925 I put it to my Honourable friend the Home Member in concluding my speech in the following terms and with the indulgence of the House I will quote from it. I said to him this

"Sir, therefore, to sum up the situation within the next two minutes or three minutes that are at my disposal, I submit to this House that the question stands thus. First, are Government prepared to appoint a Royal Commission at an early date to examine the entire constitution? Second, do you honestly, sincerely desire us to submit to you the fundamental principles upon which a constitution ought to be built? Lord Birkenhead in his speech has said that he would earnestly consider proposals. There is the amendment. Consider it."

In the House of Lords Lord Olivier speaking on this very question after Lord Birkenhead had made his speech said

"I should like to make one final observation. I think that the noble Earl may have a little under estimated, as many people do, the strength of what may be called national feeling and national pride in India and the national disposition to claim that Indians shall have a great deal to say with regard to the framing of their own Constitution. It is not enough to say, as the noble Earl has said and as has been said repeatedly, that you have two great communities in India, that you have many religions, many languages and so on, and that therefore it is idle to speak of India as a nation. That is very much less true to day than it was even ten years ago. Whereas ten years ago you might have said that the masses of India cared very little about national religion or about politics, it is, I am perfectly convinced from all that I have been able to learn in the last two or three years, equally unquestionable that this era has passed away, that there is a strong and universal sentimentally nationalist feeling in India upon which the leaders who speak in the name of Indian nationality can count.

I should like to quote in that connection a passage from the last Report of Mr Rushbrook Williams on the Material and Moral Progress of India—the Report for 1923-24—a very useful volume

'While non co-operation as a political campaign has suffered discredit through its manifest impossibilities, non co-operation as an attitude of mind and as the vehicle of an awakened national sentiment, still survives. We shall fail to understand the political life of India to day unless we realise that from the beginning Mr Gandhi's campaign has not been so much the cause of India's unrest as a symptom of those deep discontents from which the unrest resulted.'

So, although in times of peace you might have regarded the masses of India merely as a dry bed of sand, you must now regard them as a bed of sand into which certain infiltrations of feeling have passed, and must take care that you are not founding your policy upon a quicksand. It is on that account that I made my appeal to the noble Earl to take into consideration what I feel convinced is an accurate statement of the feelings of all Nationalist and Propagandist parties in India in support of the Minority Report, and whereas the noble Earl said, and said truly, that the question of what provincial autonomy means has not been explored, that is one of the very reasons why I want to see, and all who are interested in the development of India want to see, the question of what is to be in the future directly tackled. When such men as the late Governor of Madras tell us that some parts are ready for provincial autonomy, and others are not, I want to see these ideas explored in order to find out whether it is impossible to develop this idea of provincial autonomy. It is obvious, as indeed it was before I rose, that no Papers can be laid because the noble Earl has to correspond with the Government of India before any Papers can be laid, and therefore I beg leave to withdraw my Motion for Papers."

Now, Sir, that is the opinion of the *ex* Secretary of State for India. Therefore this issue has now resolved itself into a very simple question. Do not let us be drawn away from the issue. Never mind what Resolution this Assembly passed in 1924. Never mind what Resolution this Assembly passed in September 1925. What is your position? What are you going to do? It is enough that you do make your counter-proposal. It is there. You cannot get away from it now and it was repeated by His Excellency the Viceroy on the 20th January 1926. Your counter-proposal is the *Statutory Commission*, but is that to be appointed when you are satisfied as to the evidence of co operation? Now, *what* evidence do you want. The evidence is that you have failed to co operate with us and you have driven away so many men from this House. If you had a genuine honest desire to put your intentions into practice, if you desire your declaration to take effect, you know perfectly well that a large body of public opinion in this country desires the appointment of a Royal Commission. You have only to announce it and co operation is secured. I am sure you know this, but you are making an excuse. You are taking advantage of the mentality of a certain section of my countrymen. That is what you are doing. How long will you continue to do so? Therefore,

it is quite clear what the issue is. The position of the Government is utterly indefensible.

Now, Sir, it has been said, and I think it will be urged by the Honourable Member there, that "You are wanting us to certify if you throw out this Demand." He will say no more. He said it last year. He said it only a few days ago. Now let us examine it a little closely. What is this Demand to begin with? I will draw the attention of the House to what it is, if it will pardon me. First of all we have got the pay of the Honourable Members, which is not notable. Then we have the allowances and we have got the touring expenses. The allowances for 1926-27 are estimated at Rs. 2,000 and the touring expenses at Rs. 60,000. This makes a total of 62,000. Now, Sir, the Honourable Member was asking me the other day when I was moving that the Grant be taken up before the other grants, "Do you want us to certify it?" I said, "Yes, if you like, by all means. If you can do it." I know perfectly well the provision of the Government of India Act, which runs as follows:

"The grant is voted by the Legislative Assembly. It will be submitted to the Governor General in Council who will if he declares that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibility, act as if it had been assented to."

Whether it is essential to the discharge of his responsibility, it is for him to decide. But, Sir, the touring expenses which are given to the Honourable Members are of no use to us because by going all over India in special trains they learn nothing. If they wish to go to Simla then they go at our expense and enjoy a very salubrious climate—the exodus which my learned friend praises and says is very desirable and very nice and in which he always joins as soon as the Assembly is prorogued. That is all that they want to do. Now the Honourable Members are fairly well paid and I think they can afford to pay their fares up to Simla if they want to go there. I do not see at all why it is essential to the responsibility or the discharge of the duty of the Governor General to pay their touring expenses to take them up to Simla or elsewhere. But if the Governor General wishes to exercise arbitrarily his power under that section which is there, let him do so. Next the Honourable Member will say, but this means refusal of supplies. Now I am not frightened in that fashion. I know what refusal of supplies means and I claim to understand it quite as well as the Honourable Member. Sir, I will draw his attention again to the speech I made in 1921. I hope the House will pardon me if I seem to be quoting from my own speeches, but I want to make my position clear. I want this House to understand this question thoroughly and I do not want the real issue to be lost sight of. Now what happened? Well in 1921, this House will remember four grants were rejected one after the other, and next day I, Sir, standing on the floor of this House said—and I want this House please to follow me, for I want to make it quite clear what my position and the position of the Party I represent is—I said

"As a member of the Nationalist Party I entirely endorse what Pandit Motilal Nehru has said. I want to make it clear further that the Nationalist Party here in this House do not stand for any wrecking programme. I wish to make it further clear, especially with reference to what fell from my Honourable friend Mr Chatterjee yesterday, that the Nationalist Party is a party which is formed to work in this Assembly and nothing more. And in this Assembly we stand to pursue a policy and a programme of a constitutional character. We shall pursue that

policy and that programme until the last stages of constitutional struggle are exhausted. There is no idea in the mind of the Nationalist Party to resort to civil disobedience, there is no idea in the mind of the Nationalist Party that we want revolution, there is no idea in the mind of the Nationalist Party that we are going to carry on the campaign of non-payment of taxation. Sir, it is perfectly legitimate for us having regard to the ruling that you give that we could use the general discussion for what we wanted to make clear, namely, that we condemn the Government of India, we condemn the Secretary of State for India. Why? Because you have not satisfied us in regard to the Resolution that we passed here by an overwhelming majority of 76, a Resolution which was a demand for reforms, and we wanted therefore to put in the clearest possible manner our protest, our condemnation, our disapproval, of the way in which you have met us.

We also recognize that there are difficulties but we feel that you have failed, entirely failed, to satisfy us."

Now, Sir, that was the position in March 1924? That was the position which I took up in March 1925 and that is the position I take up in March 1926. I must therefore to-day again ask this House to vote for the omission of this grant. Now my Honourable friend will say to me, "Why don't you make a cut?" Sir, there is the list of business before this House. The Honourable Members will observe that there are over a hundred cuts proposed on the list of business regarding various grants. I want therefore to ask the Honourable Member, what is the constitutional impropriety if I wish to make it quite clear by rejecting this grant for I want to leave no doubt, I want this House to record its vote in an unequivocal manner. There should be no doubt that on this issue we wish to defeat the Government.

Mr M A Jinnah Sir, I think I have made it quite clear, and I will repeat it if the Honourable Member does not understand it. I want the Government of India now to give me an assurance on the floor of this House that they are prepared to announce a Statutory Royal Commission within the meaning of section 84A and that the personnel of that Commission should be such as would satisfy the people. That is what I want done at once.

The Honourable Sir Alexander Muddiman Satisfactory to whom?

Mr M A Jinnah To the people. I think you will also admit that it should not be satisfactory to you alone. I think this proposition cannot and will not be challenged. If you are going to appoint a Royal Commission, it is no use appointing it unless you have a Commission which will command the confidence and the respect of the people. Sir, that is therefore really my point. But I know the Honourable Member will say, "Oh, but what about your Resolution?" I know he is sure to bring that up—"What about your Resolution which you passed in September 1925?" As far as that Resolution of September 1925 is concerned, I stand on the floor of this House and I still maintain it, as we did maintain it then and it is not merely our opinion, but it is the opinion of the large body of witnesses that were examined before the Muddiman Committee. An overwhelming majority of both official and non-official witnesses put forward the same case and suggested those fundamental changes which are incorporated in the Resolution of September 1925. I still maintain that if any impartial body is appointed to examine the problem I shall be able to establish the case that those fundamental changes should be made in the constitution of the Government of India, and further we passed that

Resolution particularly because Lord Birkenhead in his speech actually invited us and said "If you have any constitution or any scheme to suggest, do so", and it was really an answer to his speech, I will refer to that passage in the speech of Lord Birkenhead where he actually said "If you have anything to suggest, by all means do so", this is what he said

"We do not claim in Great Britain that we alone in the world are able to frame constitutions, though we are not altogether discontented with the humble constructive effort which we have made in this field of human ingenuity. But if our critics in India are of opinion that their greater knowledge of Indian conditions qualifies them to succeed, where they tell us that we have failed, let them produce a Constitution, which carries behind it a fair measure of general agreement among the great peoples of India. Such a contribution to our problems would nowhere be resented. It would, on the contrary, be most carefully examined by the Government of India, by myself, and I am sure, by the Commission, whenever that body may be assembled."

Therefore, Sir, I still hope and I trust that the Honourable the Home Member on behalf of the Government will be able to give us an assurance and a satisfactory reply to day

I have only one more word, to say in conclusion, and that is this Sir, I cannot expect the votes of the Treasury Bench. They have no freedom. They are not supposed to have any judgment or any conscience so long as they occupy those Benches. They are merely 26 machines, automatons, and they have to obey orders. Therefore, it is no use my appealing to them, because they have no freedom. The next class of Members of this House under the Government of India Act are the nominated Members and to the nominated Members, I say, vote according to your own conscience, according to your duty, and remember, the Constitution does not and the Government dare not say that you are fettered in your judgment or in your right of voting in any way you like. The responsibility is entirely yours, and on this occasion I appeal to every nominated Member to exercise his own independent judgment. I ask you, gentlemen, who are nominated Members here, are you conscientiously opposed to the appointment of a Royal Commission? Do you believe in the argument which will be advanced by the Government that "it is a very serious thing to vote down this grant, why, it means revolution, it means rebellion in this country if you do that"? I say, it is camouflage, moonshine. Do not be misled by such arguments.

I hope I have made my position perfectly clear, that I do not stand for the doctrine of refusal of supplies, which means, if logically followed up, subversion of the Constitution and the Government by law established. I have made it quite clear that I have stood here on the floor of this House during the life of this Assembly and honestly and conscientiously co-operated with the Government from the moment I came here. I have stoutly refused to subscribe to any programme of obstruction. I may have my differences. I have differed from Government, but I have co-operated in a true spirit to work this Constitution, bad, defective and rotten as it is. Let me tell you, Sir, that had I joined the other section in this House, this Legislature would have been closed down in the very first Session. I stoutly refused, I said "No." I have supported you. I have not supported you to oblige you, but because I think it is the right course to adopt, it is no obligation on anyone. Do you want men who will come and

who can do real, solid, good work? Do you want to help the wreckage? It is for you to decide. Next, I come to my European friends. They are in this House as much elected Members as we are. But I appeal to them, and I most earnestly appeal to them, to consider their position. I am hoping—not in vain—that I shall not fail to get their support (Applause)

Mr M. A. Jinnah I am told we have not got a majority. Let me tell you, Sir, that even if we are defeated, we have a majority if you exclude the 26 machines that sit there. Whom do they represent?

Mr M. A. Jinnah No, Sir. They come in as machines under the Government of India Act. I can make a present of these 26 votes to Government. The rest of the House, even if I am defeated, is in the majority with me. And, if we carry our motion against them in spite of these 26 machines, it will redound to the lasting shame and disgrace of the Government if they do not carry out our wishes and give effect to this vote. I, therefore, tell you that upon your vote depends this issue. If you allow this to be lost, the Government will not mention those 26 votes but will say that this House carried it.

Mr M. A. Jinnah Sir, I hope that my Honourable friends, the nominated Members, the European elected Members and the rest of the elected Members will realise the gravity of this issue and will not play on this occasion into the hands of the Government. Remember that Government tried their very best purposely and deliberately not to take up the Executive Council Demand on Monday last. Why? Because they knew perfectly well that with my Swarajist friends I would have routed them absolutely. Having resorted to that obstructive attitude, they hope now to defeat me. But I am sure that you will not allow me to be defeated. Let the Government learn that these tactics are not going to avail them and that they are not going to succeed by these tactics. Sir, I move that this Demand be omitted. (Loud and continued Applause)

Diwan Bahadur T. Rangachariar Sir, the eminent surgeon of the House has performed the grand operation. He has exposed the iniquities of the Government of India in their plain blunt outlines. Sir, this is a vote of censure. There is no mistake about it. It is a vote of censure on the Executive Government of the country. It is a vote of censure because they have not shown that change of heart—if they have a heart,—that change of angle of vision—if they have vision—which was expected of them. The idea of partnership with which we began in August 1917 seems to be a mere dream with them if not a nightmare. They are frightened by that idea of partnership. They do not want to realise the real meaning of that word partnership and they still hanker after the old bureaucratic and autocratic ways which they have been accustomed to. Sir, during the last six years' experience I have realised one thing. These Britishers here—and under that term I include Englishmen, Scotchmen and Irishmen, with due respect to my friend Mr. Donovan—all of them, when they enter the Indian Civil Service have but one god whom they think they should serve and that god is (Sir Denys Bray "India") time. Sir, what is it we have found them doing in connection with this constitutional question? In September 1921—a very critical time it was for the Government of India—when this constitutional question came up for consideration in this House, what did my Honourable friend, Sir Alexander Muddiman's predecessor, another

tactful Home Member, who is now adorning the Secretary of State's Council—I mean my friend Sir William Vincent do? He co-operated with this House. He was very, very anxious to help the House to frame a Resolution for the acceptance of the House. He actually took pencil in hand and said, "You friends have co-operated with me. We recognise that the experience gained in this House marks the necessity for an advance in the constitution" and he actually drafted the Resolution which was finally passed by this House without demur, without dissent. Sir, why did he do it? Time and circumstances were then in our favour and against him. Then the man directing the affairs of India from Home was Mr. Montagu. They feared his hands, they wanted to respect him—shall I put it so? Then they were anxious to oblige this House, they wanted to get rid of this non-co-operation bogey with the help of this House, so they wanted to oblige this House. Sir, there was a change of Government. They took courage and this House discussed the Resolution in 1922. Then there was a certain attempt to go back—if I may say so. Then when in 1924, early in 1924, we took up this question again, then the times were changed against them. The Labour Government was in office if not in power. Mr. Ramsay MacDonald was Prime Minister and Lord Olivier was Secretary of State. Then what did they do? They did not give that entire negative which they vouchsafed to us in 1922-23, but said, "We will examine the question." It was to be examined by a departmental committee. The departmental committee on account of pressure from home developed into the Muddiman Committee. Sir Malcolm Hailey first of all hedged it round with a number of restrictions. He gradually widened the field and finally came the Muddiman Committee. The Labour Government went out of office. Time again. They serve time. They take hold of circumstances. Time is their god, and circumstances change their attitude from time to time. Now comes a majority report and a minority report, and by that time they took courage. They came to provisional conclusions. On the floor of this House my Honourable friend, Sir Charles Innes, made that notable speech. He was quite out of his element, if I may say so. He made a speech which we do not know whether we all applauded or condemned. In our hearts we condemned it. He went out of his sphere. His domain is Commerce and Industries, and yet he went into politics and got into a quagmire, if I may say so. And again we are faced with the situation to-day. His Excellency Lord Reading went to England as we all know, had those famous conversations and consultations, and came back with that message about co-operation. They are inventors of phrases and words which are apt to mislead and which do mislead. They wanted evidence of co-operation. They have evidence of co-operation on all hands admittedly. Not only has my Honourable friend Sir Charles Innes admitted it, but the other day in the speech of the Honourable the Finance Member he referred to the co-operation of this Assembly. Both my Honourable friends were very partial, as I said the other day, to the second Assembly, in fact they gave credit to the second Assembly more than to the first Assembly, and with the help of the second Assembly they have achieved a lot. Sir, do we not count? Is it only the Council of State which counts in the eyes of my Honourable friend? Is it the Central Provinces Council which counts or is it the Bengal Council which counts? May I put it to them honestly, do they really believe that the non-co-operators represent the bulk of the country or that my Swarajist friends represent the bulk of the responsible opinion in this country?

The Honourable Sir Alexander Muddiman. They have most of the seats

Diwan Bahadur T. Rangachariar. Yes, but that is not the question. The question for you is, is the country with you or not. On your own acknowledgment, on your own professions, the country is not with the Swarajists, they do not represent the solid bulk of responsible opinion in this country.

An Honourable Member. How did they get here?

Diwan Bahadur T. Rangachariar. Do you acknowledge then that they represent the country? You cannot have it both ways. Either they represent the country or they do not represent the country. If they represent the country, respect their views. And what have they done? Have they not offered you sincere, hearty co-operation on the floor of this House for the last two years? Did they not assist you time after time? Did they persist with the plan with which they came to this House? Where was the persistent obstruction with which they started? Sir, did not they come down in the month of March, 1924? Did they not come down in May, 1924, and in September, 1924? Did they not come down in 1925, serving on Committees, co-operating with you, giving you their valuable advice, and trying to shape your legislation, trying to make suggestions to you in the form of questions and Resolutions? What is it they did not do which we have been doing in the first Assembly or in this Assembly? They have been doing the very same thing which the Liberals, the Radicals and the Independents have been doing in this House. What was the difference? Why then shy at them? You have driven them out by your heartless procedure, you have driven them out by your shilly shallying with this question. That is the truth of it. They would have remained here if you had really shown a change of heart, if you had shown a change in the angle of vision in this matter. The country has been crying for this. They say these Reforms are inadequate and unsatisfactory and cannot be worked. You admit it. I do not think there is any one here who does not admit it. They say it is an experiment which has to be tried. It has been tried in the provinces, no doubt under difficult circumstances, but all the same it has been found wanting. The minority condemned it, the majority condemned it, only the majority was for tinkering with it here and there. The majority are not satisfied with the scheme of Reforms, but what they say is, "Try them for the full period." We say what is the use of trying them for the full period, we have tried them and have found them wanting. What is it we are doing here? Do you expect us, responsible people, to come here and waste our time and our energy and our intellect merely to pass pious Resolutions which you can discard? Is that responsible government? Is that the sense of responsibility that you are creating? As I have pointed out, and as Sir Alfred Mond pointed out in the House of Commons, this is what you are creating now, you are creating a sense of irresponsibility in us and we are creating a sense of irresponsibility in you. Knowing you are going to certify, we pass indiscriminate votes to cut down. We know that you are responsible to no one and, because we know you are irresponsible to us, we do things which we would not otherwise do. If we knew for instance that our votes would have any effect we would think twice before we pass votes. Therefore you are creating a sense of irresponsibility in us. That is not the method. What is the-

object of this machinery? The machinery is to educate us, to fit the people for responsible government. On the other hand this machinery is creating a sense of irresponsibility in the people. Oftentimes I have light-heartedly joined in votes which I would not otherwise do but for the fact that my position here is irksome, troublesome, annoying. That is the position you have driven us into by this constitution of yours. We have felt it time and again. We felt it in the first year. It is only by working it that we have found out the defects of this machinery. Now what is the good of telling us "You are not able to manage things"? Where does Sir Muhammad Habibullah come from? Is he a discovery? Are there not hundreds of Habibullahs who can manage affairs of State as well as he can? I ask, are there not? Then why saddle him with responsibility to some one else thousands of miles away and not to his own countrymen here. I want men on those Treasury Benches who will be responsible to this side of the House, who will be guided by the votes of this side, and not men who will merely give pious expressions of good-will from time to time. "If Rangachariar behaves as we want him to do we will accept his advice, if not we will reject it". If that is the way the Executive Government is to be carried on, how long will it last? You are dealing with a civilised people, people who have got hearts, feelings, sense.

Mr. M. A. Jinnah Who have eyes and ears also

Diwan Bahadur T. Rangachariar. Yes, we have eyes to see and ears to hear. How long will it last? I do put it to the Honourable the Home Member, it is no use playing with this question in the manner that he and his colleagues on the Treasury Benches are playing with it. My Honourable friends the Indian Members, I am sure, are doing their level best inside the Cabinet to convince their colleagues. I do not wish to accuse them of want of patriotism or want of sense. With the intimate knowledge they must possess of the conditions in this country, with all the experience that my Honourable friend Sir Muhammad Habibullah possesses of Madras, does he for a moment believe that Madras is not fit for provincial autonomy? Does he not agree with Lord Willingdon who proclaimed in the House of Lords that Madras is fit for provincial autonomy? Does he not agree with that and does he not advise the inner Cabinet to take the same view as Lord Willingdon? Cannot he convince the adamant bureaucrats who sit on either side of him over there? Is his voice ever heard or are they deaf to his advice? Sir, it is no joking matter. It is not a light matter. The whole of the intelligentsia of the country feel very much on this subject. They have been feeling it for some time. Some of us perhaps lose our sense of proportion at times in this matter and adopt queer methods of agitation. Probably they are right. I do not know, it is not for me to decide. But I do not take that view, that is all I can say. But I am afraid the attitude of the Government of India is likely more and more to drive others into that fold. It has been doing so. That has been the mistaken policy that has been pursued by the Government of India in this matter. I blame the Executive Council for this more than anybody else. They are the persons who have got to advise His Majesty's Government at Home. His Majesty's Government at Home know nothing about these things. They are no doubt great statesmen, who have got the best knowledge of their own conditions, the circumstances in their own country, but how can they decide for a country like this? Most of

them are quite unacquainted with this country. So the responsibility lies with the Executive Government of this country and my Honourable friends over there. They are the persons responsible for this state of things. Sir, I therefore say that they have failed in their duty. They have failed in their duty miserably in this matter. As I have stated already, they believe in time and circumstances. They think they can tide over difficulties by appointing Committees. I have noticed their usual trick when a question becomes very acute is to appoint a Committee. The Committee report and they go to sleep over the report. Again they are votaries at the shrine of tact. They think people will forget, and my Honourable friend Sir Denys Bray—although all the people are waiting for the Government Resolution on a Report to be issued—he asks “Where is the agitation?” He wants agitation every day, every minute, the throwing of stones at windows and breaking of glass. Is that the sort of agitation you want? Sir, we have had faith in you, and you are, I am afraid, fast betraying that faith, if you have not already done so. People are losing faith in you, and I warn you betimes that unless you take prompt action in this matter,—you say you are not slaves to dates—the consequences will be very serious. Why do you deny an inquiry by a Royal Commission or by any other suitable agency? Why do you deny that? What is it you are afraid of? Let the matter be inquired into. What is it that you are losing? Why not satisfy the sentiments of the people? There is no grace in you. You always do things too late, and thereby you lose the full value of your performance. Take for instance the salt duty. We cried and cried and asked you to reduce that duty. You said “It is impossible to reduce it.” Sir Basil Blackett sitting on that Bench, I remember, distinctly thought that the heavens would fall if he did not have the salt duty at Rs. 2-8-0, but the very next minute it was reduced to Rs. 1-4-0, and you thereby created contentment and satisfaction among the people. But why do it in this graceless manner? Take again the cotton excise duty which we have condemned time and again. In September last when we were agitated over it, my friend Sir Charles Innes said “No, it is impossible for me to think of any such thing.” But, Sir, the very next month, or two months after that, you abolished it.

The Honourable Sir Charles Innes Because we did not know the Budget.

Diwan Bahadur T. Rangachariar I refuse to believe it if I may. The thing is that it is your tendency, your prestige which stands in your way. You do not want to appear to surrender to popular demand. I do not mean to say that my friends here are not open to that charge. They also do not want to climb down, they don't want to appear to lose their prestige by admitting their mistake, but perhaps it is much more so with the Treasury Benches. In fact, if I look back upon what you have done in response to popular criticism and popular advice, it is not a blank record. This Budget itself discloses evidence of your paying heed to criticisms from this side and acting upon those criticisms, and you changed to capital from revenue on account of the criticism in this House. My friend Sir Basil Blackett looked aghast when that criticism was made and he said it was unsound finance, and to-day he says “I am able to see the other side and therefore I have adopted it.” Now it is quite all right. I quite recognise it. That is why I am here, otherwise I should have walked out with my friends. I have still some faith in your being able to act, but you act so gracelessly, so out of time, that your performance loses its value.

That is my point against you. Therefore, you are servers of time. Leave that path, and take the right, bold attitude. Now that His Excellency the Viceroy is giving up the reins of his Government, will it not be an act of crowning glory on his part if he announces the Royal Commission before he leaves these shores?

Sir Darcy Lindsay (Bengal European) Sir, I have listened with great attention to the speech made this morning by my Honourable friend Mr Jinnah and I congratulate him in putting his case so ably and with such force. I appreciate the weight of the claim he makes upon Government to recognise the co-operation he and his Party have so frequently given them on important issues and I hope Government will admit this and give my Honourable friend better encouragement than the usual dry bone platitudes. It is true the Party have had then occasional lapses from the path of wisdom as I see it. I refer to the joining in with our absent friends in so called gestures with the pious hope that Government would totter and fall before the onslaught.

Sir Hari Singh Gour We never said so. We never tried to do that.

Sir Darcy Lindsay Surely such gestures lose force when accompanied, as was the case of the Budget Demands last year, with the statement that the Government will have to certify. This is where the Independents have, in my opinion, made a tactical error and perhaps fallen between two stools, the result being that having shown themselves, shall I say, an uncertain quantity, friends—and in this I include the Government—who would like to have helped them have as a consequence stood aloof. There is an old saying that one cannot hunt with the hounds and run with the hare, and at times it has appeared to me that my Honourable friend has tried to make that attempt. But perhaps he was not always a free agent. I believe that between my group and the Independents there is much in common in the desire to promote the true interests of India and I know we would like to join hands with them when we consider the question at issue admits of our doing so. We, like my Honourable friend, have a duty to perform to our electorate and it is not always possible to see eye to eye with him, judging by the past. But recently I have seen possibilities of greater co-operation between his Party and ours. We recognise the wisdom of assisting the political and economic development of the country in which we live with due regard to the benefit and contentment of the various people, and personally I might like to respond to the appeal made to me by my Honourable friend to support his Party in the demand for the early appointment of a Royal Commission, for I appreciate their good work and the co-operation his Party have shown. But I cannot pledge my community to this in the face of the opinion that recent happenings have again put the clock back considerably and thereby the Statutory Commission would find other than normal conditions prevailing under the Act, that is militating against true conclusions, for if Parliament is to apply a system of Government to India which is to meet the peculiar requirements of the case, then Parliament and the Statutory Commission should be allowed to see the full effect, both of the degree of responsible government given under the Reforms and also the restrictions on responsible government which were deemed necessary in the earlier stages of development. It appears to me that the Commission would have even less to work upon than was the case last September when I expressed the view that if I were other than a good friend of India I would support the demand for the earlier

appointment of the Commission. To my mind the real test of the results of the inquiry might prove far less satisfactory to Indian aspirations than an inquiry at a later stage, not necessarily 1929, when by co-operation and mutual trust the country can prove that it is more ready to advance. If, however, the Government are with their fuller knowledge of the existing situation at any time prepared to end the appointment of an earlier Commission and if there is reason to believe that the country supports Mr. Jinnah in his demand, I personally am prepared to reconsider the position, and I am sure my colleagues will do the same. At the same time I wish to make it clear that this is being induced in me by the Moderate Party who have co-operated in the work of the House which has been no part of the declared programme of the Party who have recently left us. I referred just now to co-operation and it seems to me that I cannot do better than quote from the speech delivered in Calcutta recently by Sir Hubert Carr. He says

"It seems to us that the co-operation required by the Government of India Act as an essential factor in the advance of India to responsible government is very easy to conform to. It merely demands that all parties, Indian and British, shall practise collectively the good will which exists so widely amongst individuals and, to use a colloquialism, play the game in relation to the constitution. Such co-operation is not a racial matter, nor does it demand that we shall all be on the same side in the field of politics and the Government of India have never so interpreted the demand. We quite realise that many Indians dislike the constitution at present in force, so do many Europeans. It was for this reason that we welcomed the Muddiman Report and its proposals for meeting certain criticisms and for improving the mechanism of the Government of India Act within the bounds of which it is possible for all to exercise true co-operation without sacrifice of individuality."

It is this measure of co-operation that the Secretary of State and the Government of India have sought from the leaders of the Swaraj Party and their response on vital matters has been absent. Among the rank and file of the Party there has been a desire to co-operate as shown in committees and but for the mandate issued by the Indian National Congress at Cawnpore and its consequences, which we all deplore, I believe a way would have been found to bring sections of the House and the Government together on honourable terms. It is a revelation to me to know that the Swaraj Party are merely the mouthpiece of the Indian National Congress and act on the dictates of that body regardless of the views of the constituencies the Members are supposed to represent. We have been told over and over again by the Members that they represent and voice the silent millions throughout the country, and now the bubble has burst and the Party stands declared as merely the servant of the Congress, not a very encouraging position from which to claim a radical change in the constitution. I regret, Sir, that for the reasons I have stated I am unable to go into the lobby with my Honourable friend to reject the Demand. He is wrong in stating that we play into the hands of Government by not voting with him. We vote according to our considered judgment in the best interests of the country and not by way of an appeal to our electorate.

Sir Hari Singh Gour. In rising to support the motion of my Honourable friend I wish to take my stand not upon the general grounds hitherto raised in the House but upon two short facts, the Preamble to the Government of India Act and the previous promises given by the Secretary of State and the Government of India themselves. And if I can make good my position that we on this side of the House stand on these two invulnerable grounds, I submit, I shall have made out an unanswerable case in favour of the motion. Honourable Members are aware that the Government of India Act of 1919 was intended to have a short life of ten

years. Whatever the Government may say or do, the Statutory Commission must be appointed on the expiry of ten years as provided in that Act. Now, Sir, I ask any lawyer in this House, where in a transitory statute provision is made for its expansion and the life of the statute itself is limited to ten years, what would become of the provision for expansion if no effect is given to it before the period runs out? That was a question that was once put to Mr Montagu and Mr Montagu is reported to have said "You want further Reforms. Look at the Government of India Act itself. It contains within itself provisions for further expansion without the necessity of amendment." I take my stand not upon what Mr Montagu is reported to have said but on a State document penned by Lord Peel and sent to the Government of India and read to and incorporated as a part of the proceedings of this House, and, if I can point out that the Secretary of State stands committed to further advance within the Act of 1919, I shall ask the Honourable the Home Member what answer he can give and with what face he can meet the demand that is made on this side of the House for further advance irrespective or independently of the establishment of a Royal Commission. Sir, so far as the Preamble of the Government of India Act is concerned it might be read this way and that, but the fact remains that that Preamble laid down that the declared policy of the Government was the progressive realisation of responsible government, and, Sir, with a view to insure the progressive realisation of self government, the provisions of the Act of 1919 were made sufficiently elastic to provide for the expansion of the constitution without the necessity of parliamentary intervention. It is in that light that we on the 29th September 1921 called upon the Government to give us further Reforms and it was on that day, Sir, that the Honourable Sir William Vincent drafted an amendment which was carried unanimously with the concurrence of the Treasury Benches that the time had come for the appointment of a Royal Commission before the date appointed in the Statute. Well, Sir, time passed and we drew the attention of the Government to that Resolution passed by the Legislative Assembly and complained that no further action was taken. Meanwhile on the 26th of January 1922 this House passed a Resolution for the elimination of the distinction between the votable and non-votable items of the Budget. On that memorable occasion I find from the proceedings of this House that almost all the European representatives then present in the House voted with the majority, and that majority, Sir, was no less than 51 against 27, and I am gratified to find that my friend Sir Darcy Lindsay gave us his support and the support of his colleagues.

Mr M A Jinnah He has changed his mind since

Sir Hari Singh Gour I am afraid, Sir, he has since become an older and perhaps a wiser man. (Laughter) Now I ask one short question, that if he was prepared to subscribe to the Resolution of this House that the distinction between the votable and non-votable parts of the Budget should be done away with we shall have obtained a full measure of responsibility in the Central Legislature, because, Sir, the salaries of the Members of the Executive Council and the occupants of the Treasury Benches would then be submitted to the vote of this House and if my friend on that day was of that opinion that their salaries should be placed on the estimates and submitted to the vote of this House I really cannot understand this *volte face* on the part of my friend that he was not able to support a much more moderate motion moved by my friend.

the Honourable Mr Jinnah Sir, if I may say so, my Honourable friend in 1922 was in favour of this Resolution because the Government themselves were sympathetic and the Government did not seriously contest the legality and the logicity of the position that we then advanced, that it is incongruous that you should cut up a Budget into two pieces and make certain portions of it non-votable without reference to which we are not able to study and vote upon the votable portion of the Budget Well, Sir, let that pass On the 10th of July 1923 this House again adopted by a strong majority a Resolution that the Government of India should amend section 67-D of the Government of India Act The history of that measure is well known to my friend And then, Sir, we questioned the Honourable the Home Member for the time being and asked him what response these repeated Resolutions of the Assembly were receiving from the Government of India and the Secretary of State And after a long lapse of one year, during which we patiently waited, we were vouchsafed an official copy of the Secretary of State's despatch—no less a Secretary of State than Lord Peel, the Secretary of State of the Conservative Government In the course of his despatch he really said

“Why don't you look at the Government of India Act itself, you will find in it full scope for the gratification of your ambition”

And then he went on to add

“No such attempt was made and the arguments used in support of the motion consequently lose some of their cogency in my view, for these reasons In the first place they assume that progress is impossible under the existing constitution and can be achieved only by further amendment of the Government of India Act This assumption I believe to be fundamentally erroneous The outstanding feature of the change made by the Act of 1919 was that it provides British India with a progressive constitution in place of an inelastic system of government, and that consequently there is room within the structure of that constitution for the Legislatures to develop and establish for themselves a position in conformity with the spirit of the Act”

Now, Sir, that was the wholesome advice the Secretary of State gave, and we took it On the 18th of July 1923 we moved a Resolution and asked the Secretary of State to make good his promise He had said “We cannot reform the Act, but within its structure there are possibilities for its expansion, explore those possibilities, and you will find there are ample materials for the gratification of your desire for further reforms” And we, Sir, then asked the Government, as I have said, to make good this promise communicated to us from the Secretary of State The Government opposed the motion, but nevertheless the motion was again carried by a strong majority And what was the result, Sir? When we asked the Secretary of State to carry out the promise which was given in his despatch, he became mute and dumb He was fairly cornered We asked the Government of India, “What reply have they received from the Secretary of State to the Resolution of this House for the expansion of Reforms within the comprehension of the Government of India Act?” We were told that the Resolution of this Assembly had been duly communicated to the Secretary of State but that the Government of India had received no reply Well, Sir, after a long lapse of time another question was put asking the Government of India to disclose if any reply had been received from the Secretary of State, and the answer given by the late Home Member was that no reply was received, and when further questioned as to how long it would take or did take to receive a reply from the Secretary of State, the Honourable the Home Member coughed

and said, "Sir, it depends, it depends" Well, Sir, we waited for two years more, and we again questioned the present Home Member and asked him whether he had been the recipient of any reply from the Secretary of State, and his answer is, he has received no reply Now, Sir, I ask a plain question The Secretary of State says, "You want further reforms Well, you can have them under the Government of India Act, but it is too early for us to amend the Government of India Act because Parliament would not listen to it" We said to the Government of India, "Give us those reforms possible under the existing constitution" A despatch was sent to the Secretary of State and we expected that the Secretary of State, who had in the words which I have quoted to this House promised to give us the reforms within the terms of the existing Government of India Act, would make good his promise After two long years we find that the Government of India and ourselves are none the wiser. The Government of India say, "No reply has been received because in similar matters no reply is expected" So far as we are concerned, we have received no reply from the Government of India as to why they are unable to comply with the implied promise in the despatch of the Secretary of State Therefore, I say, Sir, that I take my stand not upon the broad principle laid down by my friends on this side of the House, but I take my stand upon the narrower ground, namely, that it is enunciated as a principle of the Government of India Act, 1919, that certain measures of reform shall take place before that Act itself ceases to exist, and further that the Secretary of State stands committed to the grant of further Reforms as stated in the State document of Lord Peel's which was read out to this House I further take my stand, Sir, upon the previous Resolutions of this House, a Resolution which was concurred in by the Government of India and a Resolution of this House which, though not concurred in by the Government of India, received the unanimous support of the non-officials, both Europeans and Indians

Now, Sir, what answer have the Government got to give to this demand? They tell us that there is the non-co-operation movement, and His Excellency Lord Reading in his speech delivered in this Chamber said that it is in the interests of India itself that the Royal Commission should not be now appointed, because the verdict of that Commission might not be favourable to India Now, I shall deal with both these objections in their order Now, as regards the non-co-operation movement, let me recall the facts of recent history When the Minto-Morley Reforms of 1909 and 1910 were given to this country, what was the state of this country? We had the Bengal anarchical movement in full swing, and Lord Morley speaking in the House of Lords referred to the anarchical movement which was at that time, as I have said, in full swing Did that arrest the progress of Reforms? It did not In 1917 when the celebrated pronouncement on the future policy of the British Government in India was made in the House of Commons, what was the condition of this country? Had not the non-co-operation movement obtained its fullest momentum and did it not reach its apex in 1919, when the Statute known as the Government of India Act, 1919, was hurried through the two Houses of Parliament in England? Was anything then said by the Government of India or by their spokesman in the House of Commons or the House of Lords that the strength of the non co-operation movement being in its full swing, further Reforms towards the progressive realisation of self-government in India was impossible? In 1921, and again in 1923,

appointed. The Resolution contains an express reference to the inherent defects of dyarchy. Defects being inherent in the very system, the question is, how long this system is to continue. There can be only two solutions, either a move forward or a move backward. You cannot stand still and I submit that it is impossible you can move backwards. If you are bound to move forward, then why not take the step as early as possible and remove that feeling of distrust in the sincerity of your intentions which I venture to say is universal throughout this country and is widespread among all classes and communities. It is said that the Government of India Act laid down certain conditions one of which was that further progress would be dependent on the degree of co-operation received. Now, the lack of co-operation on the part of the people is often put forward as an excuse for not taking a step forward. I have asked before on the floor of this House and I ask it again, was there not co-operation on the part of the first Assembly? It may perhaps be said that there was no doubt co-operation on the part of one section of the people, but there has been no co-operation on the part of other sections. What is to be the extent of the co-operation which according to you constitutes the condition precedent to any further move? Is it co-operation on the part of every one of the 300 millions or is it co-operation on the part of all classes and communities of the people without any single exception at all? I submit that it cannot possibly have been the intention that there should be proof of universal co-operation on the part of all the people of this country. We have shown that there are politicians in this country who have been willing to co-operate and who did successfully co-operate with Government during the lifetime of the first Assembly. The plea of lack of co-operation on the part of the people is, I submit, only an excuse for not moving forward. If you consider again the question, what it is that has caused lack of co-operation on the part of other sections, it is simply this that they do not trust your declarations. They do not believe that at the end of the statutory period of ten years they are going to get these Reforms. What has been done by the Government so far has certainly not gone to dispel these suspicions as to their intentions. Now let us take a few instances by way of illustration with regard to the attitude of the Government. Sir let us take the attitude of the Government with regard to the recommendations of the Muddiman Committee itself. There was a difference of opinion on certain points between the majority and the minority but there were other recommendations which were unanimous—in fact almost all the recommendations of the majority were concurred in by the minority and it is the majority that refused to go as far as the minority. Now, so far as the recommendations of the majority were concerned, what effect has been given by the Government to those recommendations?

The Honourable Sir Alexander Muddiman And how warmly were they pressed upon the Government by those who signed the minority report?

Sir P. S. Sivaswamy Aiyer We agreed in all these recommendations. I would only refer to a few important ones, the joint deliberation of the two halves of the Government, the collective responsibility of the Ministers, and the entrusting of the financial portfolio to a Member who held charge of no other portfolios. There was also a recommendation about the transfer of the Forest Department. Has any action been taken upon these recommendations? Possibly a very considerable amount of noting may have been done in the Secretariat but in what stage these recommendations are the outside public has no opportunity of knowing. We are

entitled legitimately to complain that notwithstanding the fact that the Report was published some time in the end of 1924 or the beginning of 1925 no action has yet been taken, and I believe the reply which has been given by the Honourable the Home Member to questions is that the subject is still under consideration. Upon a few small matters I know that action has been taken but upon all these 3 or 4 questions which I mentioned, the transfer of the Forest Department, the joint deliberation of Ministers, the collective responsibility of Ministers and the assigning of the financial portfolio to a Member who has charge of no other portfolio—upon all these points I am not aware that any action has yet been taken, at any rate none has been announced, and the House is entitled to complain of the inaction of the Government.

I pass on from this to another question. I complain that the attitude of the Government has throughout been one of stagnation and want of progressiveness. Procrastination is writ large on the doors of every one of the members of Government. Procrastination and unprogressiveness have been the leading characteristics of the Government. Viceroys may come and Viceroys may go but the bureaucracy rules for ever and goes on in its usual groove. Now let me refer to a few instances to illustrate my point. There is no question so hoary as the separation of judicial and executive functions. In the time of the first Assembly a Resolution was moved upon the subject and Sir William Vincent then said that it was a matter primarily for the Local Governments and if any Local Government wished to take action in regard to that matter, this Government would be willing to help it by undertaking the necessary legislation. Now, several Local Governments have expressed their wish to carry out this reform for which the public have been pressing for the last 40 years.

The Honourable Sir Alexander Muddiman. I do not want to interrupt the Honourable Member. I raise no objection to the course he has adopted but I do want to come to an understanding. If my Honourable friend raises these points now, they cannot be raised again on other motions.

Sir P. S. Sivaswamy Aiyer. I do not wish to raise them again. The House is not likely to get any other opportunity in this debate for raising these points. I refer to them merely by way of illustration.

Mr President. The Honourable Member is making out a case for a Royal Commission.

Sir P. S. Sivaswamy Aiyer. Quite so. I say it is because the Government are so firmly entrenched and so unresponsive that they do not care to carry out the reforms for which we have been pressing. It is a fact which shows how the whole constitution of the Government requires a change. If the Government had been changed as the public have been pressing for, they would not have sat quiet upon the demands of the public which have been pressed time and again during the last four years. The case that I have just mentioned is an excellent illustration of the stationary or vegetating attitude of Government and of their want of progressiveness. Then, Sir, I may refer to one or two other matters by way of further illustration of this want of responsiveness in the Government. In the very first Assembly there were a number of matters about which the House expressed itself in no uncertain terms. A number of Resolutions were passed in the first Session of the first Assembly on the Esher Committee's Report and in a few unimportant matters action has been

taken, but upon really important questions, such as the admission of Indians to all branches of the Army, the throwing open of a larger number of King's Commissions, the establishment of a Military College, the throwing open of King's Commissions in the Territorial Force, and various other matters—in regard to all those matters that really do matter no action has been taken by the Government. Perhaps that statement of mine requires a little qualification.

Mr E Burdon (Army Secretary) My Honourable friend says that nothing has been done regarding the throwing open of King's Commissions in the Territorial Force. I think my Honourable friend must have forgotten the facts.

Sir P S Sivaswamy Aiyer I was going to make a complaint about it in the next breath. The Territorial Force Committee was appointed in the year 1924. Our Report was published in February 1925, and my complaint is that no action has yet been taken upon that Report, notwithstanding the fact that the recommendations were all unanimous. My complaint is not that action has not been taken upon all the recommendations, because it may conceivably be the case that some of the recommendations may require further consideration. My complaint is that even those recommendations which were of an entirely non-controversial character, as in the matter of the University Training Corps, have not been carried out. So far as I am aware no one has taken any exception to the necessity for expansion of the University Training Corps. And yet in the Budget of 1925-26 no provision was made for this and in this year's Budget also, 1926-27, no provision is made for the expansion of the University Training Corps. I know that if it lay in the hands of my friend Mr Burdon, the matter would not rest where it is. I know he is full of the most excellent intention in this behalf and I only wish that Mr Burdon could move the Government to proceed much faster than they have. My complaint is want of progressiveness and stagnation and inactivity. That I submit is amply made out by the fact that a year's delay has taken place over non-controversial recommendations and effect has not been given to any of them yet. Before passing from this subject, there is one announcement by the Government for which I am bound to express my sense of thankfulness in the course of my general condemnation, and that is the announcement by the Viceroy about the Royal Indian Navy. I am grateful to the Government and to His Excellency the Viceroy for this announcement. But this subject of the admission of Indians to the Navy was mooted in 1921 and the Inchaape Committee recommended the conversion of the Royal Indian Marine into a Royal Indian Navy in 1923. The conception of an Indian Navy has taken nearly five years. What further length of time the process of gestation may take, and when we shall see a beginning actually made, we do not know. We do not know how many further difficulties there may be to encounter between the announcement of the idea and its actual materialization. Of course there are a great many difficulties in the way which I do not ignore. After you get your training ships you have to find your men and they have to go through their course of training—difficulties which I for one am not in the least disposed to ignore. But what I say is that when we shall see the training ships, and when we shall see the classes started, are still matters of great uncertainty. In this matter of procrastination, I must however confess that there is one Commission upon whose recommendations I cannot accuse the Government of delay in action and that is the Lee Commission. (Laughter)

Sir, there is only one other matter to which I wish to refer in support of my general charge of want of sympathy and want of progressiveness. The point that I am going to refer to illustrates not merely a want of sympathy but a want of breadth of political vision. I refer to the way in which the Burma Expulsion of Offenders legislation has been treated by His Excellency the Viceroy. That was a measure which contained in it the seeds of inter-provincial conflict and a narrow provincialism, and yet this measure was passed without any hesitation. I suppose the justification is that it was passed because the principle of provincial autonomy, of which we are all advocates, required it. But nobody has yet defined the exact limits of provincial autonomy, and when the day comes for an exact definition of provincial autonomy, I for one should be disposed to define it in such a manner as to restrict the liberty of Provincial Governments to act in such a way as to interfere with the just rights and freedom of citizens of another province within the same Indian Empire. That, I say, illustrates the narrowness of political vision of the Government. In various other directions, if the Government had been constituted on a popular basis, they would not have been so unresponsive to the needs of the hour. So far as this particular proposition is concerned, though I have spoken in support of it, I do not propose to support it with my vote (Laughter). My reason is that our great complaint against the Members of Government is that they are out of touch with the people, and I think it would be hard upon them that we should deprive them of some little chance of coming into touch with the people and of getting some glimpse of popular views and wishes. For that reason, and for the reason that I do not wish to be a party to any vote which is more than a vote of censure and which will compel the Viceroy to restore any grant, I am not going to support it with my vote. I shall be neutral but I am quite at one with my friend, the Honourable Mr. Jinnah, in considering the conduct of Government, as it has been disclosed in various matters of policy to some of which a reference has been made by way of illustration, is such as to deserve the very severe censure of this House and such as would have been sufficient to turn out any popular Government from office.

The Honourable Sir Alexander Muddiman Sir, if I have risen at this stage, it is partly because I feel if I do not rise soon I should be involved in a multiplicity of matters which it would indeed be difficult to answer. The indictment will be made very wide and will include every cut on the list of amendments. I feel that there are many Members who feel that if they do not get a dig in now they may not get a dig at me at all. Therefore, while the matter is within the compass of ordinary human memory, I will endeavour to deal with the position in so far as it has been brought forward, and if I do so in reverse order, it is because I wish to clear away those elements which have been imported into this debate which are not perhaps strictly relevant but have been brought up from a sense that the Executive Council travelling allowance vote is a very fair opportunity for commencing the hunt of the general hare.

First of all, let me congratulate my Honourable friend Sir Sivaswamy Aiyer on the statesmanlike conclusion of his speech. It is always a matter of very great pleasure to me to listen to my Honourable friend, for I know that after he has scolded me for a sufficient period, he will then say "But he is not a very bad boy after all and I will not throw him out." He also made a real point when he said that if you cut away this allowance you

will prevent those Honourable colleagues of mine who are not so familiar with the country side as I am from being more familiar with it (*An Honourable Member* "Special saloons") Sir, I am only recently travelling in a special saloon. In my earlier days I travelled on an *ekka*, which my Honourable friend Mr. Jimnah has never done (*An Honourable Member* "That is what you should do now") My Honourable friend Sir Sivaswamy Aiyer has brought general charges of stagnation and lack of enterprise on the part of Government. He has said "You have done nothing. For five years you have drawn your pay and nothing has been done." Is that a just charge? It is not a just charge. Many things have been done. I will recite a few of them for his benefit. What about my Honourable colleague's fiscal policy? What about discriminating protection? What about taking over the Company Railways under State management? What about the separation of railway finance from general finance? What about the Workmen's Compensation Act? What about the amendment of the Factory Act? What about the Trade Unions Act? What about the debt redemption scheme? What about the opium policy? What about the Royal Indian Navy? What about the Army? Have we done nothing? What about the Bills I have brought in and you have thrown out? (Laughter) Sir, I am grieved that my Honourable friend who has had a career, a most useful career of service to his country, should reproach the Government with a record of stagnation. I myself, Sir, am surprised that a Government which have committed so many reforms should still exist. It was said that a popular Government would never have been able to withstand the effects of a stagnating policy. I may say this, that if any popular Government, with which I am acquainted, had ventured to thrust so many reforms on its own electorate or enact anything like the number of measures enacted by us it would certainly be defeated in the ensuing election by the vested interests which it would have offended. That, Sir, is my answer to Sir Sivaswamy Aiyer. He said that effect had not been given to all the recommendations of the majority report of the Reforms Inquiry Committee. Sir, I say quite frankly to this House that, if I had had the support of this House, effect might have been given by now to all these recommendations. But to say that nothing has been done on them is not correct. I think I have now dealt with most of the points raised by my Honourable friend.

My Honourable friend Diwan Bahadur Rangachariar also referred to the question of the separation of judicial and executive functions. Three Local Governments have reported and the Government of India have considered their reports. I have tried to find some common denominator, something that would link them together and would enable us to proceed. The Government of India, it is true, have not yet arrived at their decision in the matter. That decision has, I admit, been long delayed, but I do not think it has been delayed a day too long.

I now come to my Honourable friend Mr. Mahmood Schamnad who spoke about the Andamans. Now, Sir, I desire to speak to the House very earnestly on this matter because I have only recently returned from the Andamans.

Haulvi Muhammad Yakub We thought you would never return.

The Honourable Sir Alexander Muddiman My Honourable friend may not be so fortunate if he goes there. But I visited those Islands with a

very particular purpose I visited them by virtue of the very grant which is now being attacked I wish to say here and now that my visit was of great benefit and enabled many outstanding questions to be decided to the great benefit both of the free and of the convict inhabitants of those Islands If I had known that my Honourable friend was going to raise the question of the Andamans on this Demand I would have brought down to this House certain photographs which I have got of the Andamans and would have placed them on the table They would have been very instructive and interesting Now, Sir, I should like to read to the House certain passages from a Resolution that has just been issued by the Government of India One of the questions that was under discussion when I went there was what should be done in the matter of making the holding of land easier?

Mr Mahmood Schamnad Sahib Bahadur Sir, on a point of order I was not allowed to explain my case and I am afraid the Home Member will not be in order if he attempts to reply to points I have not been allowed to touch upon

Mr President Order, order The Honourable the Home Member is replying in so far as the matter has been dealt with by the Honourable Member

The Honourable Sir Alexander Muddiman. My Honourable friend is naturally anxious that I should not proceed further in the matter because he knows that, if I do so, I shall demolish his case The point I have to make is that, when I went there, I found that the system of allowing convicts to take up land was producing most beneficial effects I was also able to change the land law by which a convict who was given a holding will on release have permanent rights in it I found there very considerable prosperity and I saw there many of my friend's countrymen and co-religionists both happy and contented I believe there is a prospect of prosperity for the Islands Sir, I shall follow your ruling and will not, therefore, go deeper into the matter It would however give me very great pleasure to have had a debate on the Andamans because I think there are many matters that I can bring before the House from my personal knowledge I have now disposed of, Sir, what I might call matters which are in some degree extraneous to this debate

Sir, the debate was originally raised by my Honourable friend Mr. Jinnah I always listen to my friend with great interest and I will meet him as far as I can in the same considered and calm way in which his speech was made I will, in the first place, give vent to a feeling of regret, shall I say of disappointment, that he was not able to find anything but slight contempt for the Budget which my Honourable colleague has brought forward? Now, Sir, I regret that for after all you gain nothing by not acknowledging benefits received, and if there is one thing on which I am most clear it is that the people of India and the Government of India owe a great debt of gratitude to Sir Basil Blackett for his work in the Finance Department, and more especially for the present Budget which he has presented (Applause) In saying that I will add that he is one of the most difficult Finance Members to deal with when I want money that I have ever met (Laughter)

Sir, I pass from that to deal with another matter which my Honourable friend said cast a heavy cloud over this Assembly I thought—possibly wrongly—that the other day I was charged by the Honourable Pandit with

dealing with levity with the matter. Nothing was further from my desire to deal with a serious subject with levity or lightness. If I occasionally venture to approach matters from that point of view, it is because sometimes one has either to laugh or to cry. Those who are anxious for the political advance of India—truly anxious—cannot view the set-back that has taken place within the last few days to their aspirations, without great regret. I am not here to carry matters one inch further. I am not going to indulge in any criticisms which might excite or exacerbate, and which might prevent a return which I should greatly deplore. I must however make myself quite clear that in my judgment a severe blow has been inflicted on the prospect of political advance. Those who are not so familiar with the actual facts, the actual exigencies as I am, will take an even more unfavourable view. Sir, I picked up my telegrams the other morning and I saw that Monsieur Briand on his departure for Geneva on the eve of a political crisis observed that "Ours is an awful profession", a thought which must be in the minds of many Indian political leaders to-day.

Now, Sir, Mr. Jinnah, if I understood him rightly, is now pressing for a Royal Commission. That is the burden of his speech, if I understood it, that a Royal Commission is to be immediately appointed. I have not quite understood whether he means a Statutory Commission contemplated by section 84-A of the Government of India Act or not.

Mr M A Jinnah I said I wanted a Royal Commission in accordance with section 84-A, and also that I wanted the personnel of that Commission arranged to the satisfaction of public opinion.

The Honourable Sir Alexander Muddiman I am very glad to know that what my Honourable friend does want is the appointment of a Statutory Commission under section 84-A of the Government of India Act. I was asked in another place for a Commission which was not of the kind contemplated under section 84-A. In support of his argument Mr. Jinnah put forward various considerations. If I understood him rightly he asked for this Commission not because he wanted an inquiry only but because he is satisfied in his own mind that he has a case which, if he brought it before a Royal Commission, would help him in obtaining further advance. If that is not so I cannot myself understand why he wants a Royal Commission at this present moment. Unless you believe that you have a case sufficiently strong to convince the Commission that an advance is desirable, then I cannot understand why any Indian of Mr. Jinnah's way of thinking can desire it. What are the facts? These Reforms have been in operation five years. We have reached the half time of the period contemplated by the Act before the Royal Commission, the Statutory Commission, must be appointed.

Now in the first Assembly, it is undeniable and undenied that a large proportion of those politically minded in India boycotted the Assembly and remained outside. That is undoubted, it is equally undoubted that when the second Assembly was constituted, a large body, I believe it may be correctly stated to be the largest single group, I will not call it a party, in this House came in with the avowed intention of rendering the working of the Reforms impossible.

Diwan Bahadur T. Rangachariar A more intention which was never carried out.

The Honourable Sir Alexander Muddiman I agree, Sir I am obliged to my Honourable friend for saying that, it brings me to my next point. The intention, as often happens, was softened by association. It has been said that we, the representatives of the Government who sit on these Benches, are playing with the matter, are endeavouring to postpone, are endeavouring to put off the evil day, are endeavouring in fact to provoke a breakdown of the Reforms. Now can any one who has seen the method employed by the Government Benches seriously put that forward? Sir, I am not a man of patient character, I am not a man who makes a habit of exposing his cheek to the smiter, nor judging from my experience are my colleagues in that category, and yet they have excused, I think the House will admit, great patience, and often under great provocation. (Applause) I make no claim that in doing that we have been doing anything more than our duty. It is our duty in every way to carry out the vowed policy of the Parliament, as laid down in the Government of India Act, and in doing so, it is our bounden duty to subordinate those combative instincts which, after all, are only natural to all human beings. We have avoided doing that, and the effect I think has been considerable. There is no doubt that the Party that came to curse remained to bless even if only temporarily. That a good deal was done to bring the parties in this House together there is no doubt, and I extremely regret that at the end of the dying Session, a step should have been taken which must have the effect of breaking that harmony. It cannot be helped. I recognise that there are political exigencies which affect us all, but our elected friends most of all. My Honourable friend opposite said that we cannot stand alone, that one who leads men is in a sense affected by the feelings of those he leads. But he is the true leader who will lead men and induce them to follow his course and not to follow theirs. Now, Sir, that is the position. The progress of events seems to have been tending in a direction which would have gone on the lines of the co-operation that has been asked for. Sir, I do not, as I have said, attach any importance to words, it is to action that I attach importance and I myself, as I said the other day, am not as disappointed, as discouraged as I might otherwise have been. It is true that the darkest hour often comes before the dawn. We are too closely placed, too closely in touch with events to weigh them in the true balance, too close to appreciate the effect of a gesture that will be read—and that is the unfortunate part of it—will be read by those who have not even the information that we have, and will be read in a very different way.

Sir, I have been charged by my Honourable friend—I will not say charged for he did not charge me—I have been reproached with the fact that we have not expressed in public the obligations which we owe undoubtedly to those who, in days of obloquy, in days of trial, in days of severe temptation, stood by and endeavoured to work the existing constitution. I acknowledge those efforts with thankfulness. I acknowledge them openly, but it is not the Government but the country who should acknowledge the efforts of those who staved the general shipwreck of the existing constitution and when those who did that go to the country they ought to reap their reward.

Diwan Bahadur T. Rangachariar Where are the fruits?

The Honourable Sir Alexander Muddiman The fruits? My Honourable friend is still sitting here. I do not like giving advice. I have found

in my life if a man asks you for advice and you are foolish enough to give it, he refuses to take it and dislikes you ever after. That, Sir, may seem a cynical view.

Mr M A Jinnah It is quite true!

The Honourable Sir Alexander Muddiman But it is in time of trouble as well as in time of success that we should stand by our opinion, and I say to those who have stood by their opinion in the past "Do not be discouraged but stand by them till the end. Do not let it be said that we or you at any rate have not done all that could be done to maintain and work the existing Reforms."

Now I will assume for the moment that the Commission which has been desired by my Honourable friend came out to-morrow. What would be its function? It would be—would it not—to hold an impartial inquiry into the actual working of the Reforms and to make recommendations on that? It would be for those who contended that success had been achieved within the limits imposed by the present Act to put forward their proofs. It would be for us to show that we had left nothing undone to maintain the position. Is it not the fact that Indian opinion really desires a Royal Commission to come out not to hold an inquiry, not to examine but to register a decree which has already been formulated for a further advance to complete responsible government. Is that not a fact?

Diwan Bahadur T Rangachariar We believe it will be so.

The Honourable Sir Alexander Muddiman Sir, that is clearly the demand of one party and it appears to me it was the demand of the Member of the Council of State who moved his Resolution on the 18th February.

Mr M A Jinnah Why then do not the Government say so and declare that therefore there is no question of accelerating the Royal Commission on that one condition, namely, if the Swarajists would co-operate?

The Honourable Sir Alexander Muddiman I do not quite follow my Honourable friend but as I heard something about Swarajists co-operating I assume he was charging me with the usual parrot cry of co-operation. After all the Swarajist Members represent a large proportion of this House. We are unable to deny that. It is equally true that they have reduced the Reforms to impotency in my own province, one of the biggest provinces of India—Bengal, and that in the Central Provinces they are also not functioning. It is true, as I read in my papers the other day, that no later than the day before yesterday the grant for Ministers' salaries has again been refused in the Central Provinces. On these facts how are we going to the Government at Home and with any show of confidence to urge on them, even if we ourselves were convinced of the necessity of it, the appointment immediately of a Royal Commission? I have frequently addressed the House, till the House must be tired of hearing it, in the endeavour to inculcate the point that the test of life is not words and otherwise is results that "by their works shall ye know them." It is by works and not by words, "not only on our lips, but in our lives" that we have got to show co-operation? As my Honourable

friend **Sri Hari Singh Gour** said, what are æons in the life of a nation? That, **Sri**, sounded even to my bureaucratic mind rather a long period, but when he defined an æon as anything between three years and three months, I thought that in this connection he takes a short view of æons. I must express my indebtedness to **Sri Hari Singh Gour**.

Sri Hari Singh Gour **Sri**, I am afraid the Honourable Member must have misunderstood me. I never said anything of the kind. What I said was what is three years in the life of a nation as compared to æons through which life passes.

The Honourable Sir Alexander Muddiman **Sri**, I unhesitatingly accept my Honourable friend's statement. I was about to thank him for the valuable arguments he has supplied on my behalf.

Now, **Sri**, there are one or two outstanding points with which, with your permission, I should like to deal. It was suggested that in Bengal and in the Central Provinces the Constitution could have been maintained if more tact and discretion had been shown. **Sri**, I doubt that very much, but even if it was so, what does it prove?

Mr M. A. Jinnah What would happen to the Assembly if the elected Members in a body were to throw out everything that came before them? The Legislature could not go on.

The Honourable Sir Alexander Muddiman I should be sorry to contemplate that event, but that brings me to another point, and it is this. My Honourable friend in his speech referred to three classes of Members, the elected Members, the nominated Members, and the official Members. Let me make it perfectly plain.

Mr M. A. Jinnah And the elected European Members.

The Honourable Sir Alexander Muddiman That is a cross division. But let me point out to him very frankly and plainly that he and I sit in this House under the same identical authority. The authority of Parliament which makes me a Member of the Governor General's Council and a Member of this House is the same authority that makes my Honourable friend **Mr Jinnah** an elected Member of this House, and it is only by that authority that the abolition of myself will be secured and that the replacement of me by an elected Member can take place.

Sri Hari Singh Gour It is the authority of the Statute that makes a Judge and it is the authority of the Statute that makes a criminal.

The Honourable Sir Alexander Muddiman My Honourable friend has more experience in the matter than I have. (Laughter) Now, **Sri**, I do not wish to wind up on an unsympathetic note. On the other hand, I have not the least desire to win a cheap vote from the House by anything that might be brought against me in any way as overstating the case. The position as I see it, is this. The door is still open. The last word has not been spoken. It is still open to you, it is still open to India to secure that advancement of the day or the Royal Commission which you so ardently desire by compliance with the condition which has been previously laid down.

Mr M. A. Jinnah It is an impossible condition.

The Honourable Sir Alexander Muddiman Sir, the position of the Home Member to-day is like that of a watchman on a tower looking out at the night and the King sends him messengers who ask him "Watchman, what of the night?" and the answer I have often to give is "The night is very black" Sir, how long am I to continue to give that answer? When will the people of India enable me to say "*Kirm utha*" "The dawn is breaking"

Mr Bipin Chandra Pal (Calcutta Non-Muhammadan Urban) I desire, Sir, to associate myself with all my mind and my strength with the motion that has been placed before this widowed House (Laughter) Yes, widowed House—I am referring to Parliamentary language. I remember the Leader of the Government. I think it was Mr Balfour then, now Lord Balfour, when there was no Leader of the Opposition before him, in the House of Commons declared that he found himself in a widowed position, and I feel sincerely that owing to the absence of the Swarajists, my friend opposite, the Home Member must be feeling like Lord Balfour

Mr K Ahmed He is a bachelor

Mr Bipin Chandra Pal I certainly object, Sir, to these interjections in regard to remarks which ought to wring the heart of every Member of this House. We regret, and I believe the Home Member and the Official Benches also regret it as much as we do, the absence of our Swarajist friends. We on these Benches regret it because their absence has made it impossible for us to carry votes which we might have carried without any effort. This day we have moved for the rejection of the grant under the head of "Executive Council." We would have had no trouble, my friend Mr Jinnah would not have to go down on his knees almost to my friend Sir Darcy Lindsay begging for his votes. We could have carried the motion easily. There are two groups in this House constituting His Majesty's Opposition, the Official Opposition the Swarajists and the Independents. The Swarajists were a much stronger group. Because of the absence of that stronger group the Opposition has become feeble and I cannot but put it to you, Sir, and to the Members of this House, whether Parliamentary Government can be legitimately and salutarily carried on with an Opposition that is so weak as the Opposition is to-day in this House.

Lieutenant-Colonel H A J Gidney (Nominated Anglo-Indians) Come over to this side

Mr Bipin Chandra Pal We regret their absence

Sir Darcy Lindsay Let them come back

Mr. Bipin Chandra Pal We certainly regret the unwisdom of that absence. And I cannot help raising my protest personally, and I take it the protest of the whole House, to a certain remark that the Leader of the Swaraj Party made in defence or in explanation of the policy which he was pursuing. He came and told this House that he and his following were going out because of the mandate of the Congress. Now, this House ought to raise a strong protest, a constitutional protest, against that statement. The Congress is not a legislative constituency. The Congress is a voluntary organisation. However honoured by the people it may be, it is not a legislative constituency and no Member of this House has a right to come here without a mandate from his constituency and be driven here

and there and everywhere according to the wishes of an outside, voluntary organisation

Having said that much with regard to the Swarajists, I want to support, as I said, with all my strength the motion of my Honourable friend, Mr Jinnah. We know that you will certify, though if the case is considered upon its own merits I do not see that there is any reasonable ground for certification of this grant if we are able to throw it out. I say, there is no reasonable justification for certification. The reduction of this grant does not affect the primary functions of Government. It does not affect the responsibilities of the Governor General for carrying on the King's Government. It will only affect the Simla exodus and I think European opinion at least in Calcutta has for the last half a century been strongly opposed to these hill exoduses. For that reason, if on no other ground, I was expecting the representatives of European opinion in Bengal to support this motion, because that was also a side issue, namely a protest against the waste of money, against the waste of public time, against interference with public business, against isolation of the rulers of the country from the healthy atmosphere of public opinion in the plains, involved in the Simla exodus. While the Honourable Sir Darcy Lindsay and others can live and work during the whole year in the plains, you have told us often and often that you see no reason why Government should go up to the hills and enjoy the salutary climate.

The Honourable Sir Basil Blackett On a matter of explanation I should like to make it clear, as the Honourable Member does not seem to realise it, that only a very small portion of this expenditure is represented by the Simla exodus and that the greater part of it is for the tour expenses of going down to Calcutta, Bombay and that sort of thing.

Mr M A Jinnah In reserved saloons

An Honourable Member Why not?

Mr Bipin Chandra Pal You may travel first class if you like and draw 1 3/5ths as the Honourable Members of this House draw.

The Honourable Sir Basil Blackett How are they going to pay for it?

Mr M A Jinnah You get a very good salary if you want to go.

Mr Bipin Chandra Pal I do not think if I were, I am not fortunately, in the position of my Honourable friend opposite I would have said that if my travelling allowance was cut down the Government would stop, the carrying on of the King's Government would become impossible. There is no practical difficulty. We have not moved a motion for the reduction of any grant the acceptance of which motion would render administration impossible. That is one point. Our great complaint is that you have not paid heed to public opinion in this matter. We do not want much. We do not want you to give us the moon. We only want an examination with a view to the necessary amendment of the present Government of India Act. It has been completely made out that this Act, for certain purposes necessary for the advancement of the country, is unworkable. That has been made out completely by the Muddiman Report. And what we want is an examination. That is, I understand, the plea of my Honourable friend and leader Mr Jinnah. We want an examination only. No further. If after an examination you declare that the country

is not ripe that the circumstances are not favourable to a further advance, we shall have to accept that decision with whatever good grace we can. All that we want is an examination by a Statutory Commission or a Royal Commission under the terms of the Government of India Act. That is all that we want. Why do you oppose it? You say "Oh, we oppose it in your own interests." Well, well, we have a Bengali proverb and the Honourable the Leader of the House having been so long in Bengal might well have remembered it or heard it. The proverb translated into English means that the crocodile cries out of pity for the fish. You say "Oh it will hurt you." How will it hurt us? If the country is really not fit for another advance, if the result of a fresh constitutional advance is likely to be anarchy, disorder, then the country will not be hurt by the refusal of an advance. But our contention is that the country will be hurt by your refusing this demand for an examination. How will it be hurt? You say that in Bengal the Reforms have failed. You say that in the Central Provinces the Reforms have failed. But you do not remember that in Madras, on your own confession or acknowledgment, the Reforms have succeeded wonderfully. What is the reason? The reason is Lord Willingdon. He entered fully into the spirit of the Act. And the thing which we demanded in Bengal, namely, joint responsibility, corporate responsibility of the Ministers, that was granted by Lord Willingdon in Madras but was refused in Bengal. In Madras they have three Ministers but the three Ministers form one Ministry, the Head Minister or Chief Minister nominating his own colleagues, with joint responsibility to the Governor and the Council for the administration of the transferred departments. Now, Sir, Mr Chakravarti, the leader of the Party to which I have the honour to belong in Bengal, the Nationalist Party, when he was invited by Lord Lytton, offered the same terms. He asked for this concession, namely, this recognition of the joint responsibility of the Ministry and he wanted the Governor to allow him to nominate his colleagues. The Governor would not do so and the result was the refusal of Mr Chakravarti to shoulder the responsibility for the administration of the transferred departments. And after that what did the Governor of Bengal do? I do not like to say one unkind word about him, because Lord Lytton personally is a perfect gentleman. He is an ideal *padre*, an ideal member of the Church, an ideal Christian but unfortunately he has bungled, as Mr Jinnah has said, in working the Reforms in Bengal.

The Honourable Sir Basil Blackett On a point of order. Is the Honourable Member entitled to cast reflections on the Governor of a Province? (*Some Honourable Members* "He is paying him a compliment.")

Mr President The Honourable Member should not go far into that question. He has made a reference to it and anything which might reflect on the conduct of the Governor or the Viceroy is not permissible.

Mr Bipin Chandra Pal I am not referring to his conduct. I do not think it is not a certificate or commendation to call a Governor a *padre*, a member of the Church of Christ. Now Sir that is the actual fact. If he had allowed the conditions that succeeded in Madras if you had allowed the same conditions in Bengal I have not the least doubt that the Reforms would have succeeded in Bengal as well. (*Mr J T Donovan* "Question?") If I were to go into details it would not be palatable to my friend from Ireland and Bengal. It would not be palatable, because they tried to divide us, they tried to secure one part of the House to support the

Government against another part. But the other part, being the stronger part, the tactics of Government failed. That is the real truth about Bengal. But I will not enter into that. What I want to know is why do you refuse a Royal Commission? I have always felt, Sir, that our masters are lacking in one essential quality of real statesmanship, they lack imagination. I have always felt that if this Royal Commission had been announced a year ago it would have taken the wind out of the sails of those who want to wreck the Reforms. But you are in collusion, not consciously but unconsciously, with those who want to wreck the Reforms, and you are acting as if you want the Reforms to be wrecked. That is the whole truth. Now, Sir, with regard to these constitutional advances I may at once say that in politics I do not believe in generosity. In politics I do not believe in this. I do not believe in eleemosynary politics. Politics is always a game of force, and if the people could gather sufficient force, as they did from time to time in the past, it would not have been possible for my Honourable friend the Home Member to sit there and smile and say "All right, go on. Non co-operate or co-operate, we don't mind, we shall keep to our places as long as we are not forced out." He could not have said that. Now, what is the history of political progress in India for the last 50 years? After the Mutiny we had the first Legislative Council in 1861. Did you consider then, whether the country was fit or unfit for that measure of Council Government? It was not much, but it was something. And you gave that something because you were anxious to conciliate public opinion, because you thought that unless public opinion was conciliated it would hurt your interests. After 1861 we had another instalment of reforms in 1891, and that followed the Congress agitation. There was the fear of the unknown behind the Congress agitation of the earlier years. You did not know what might be the upshot of that agitation. I still remember the newspaper controversy that raged over the activities of the Congress in Madras in 1887 between Mr. Hume and Sir Auckland Colvin, and the result of that controversy was that Lord Dufferin gave us a parting kick. He abused the Congress, he ridiculed the Congress in his St. Andrew's dinner speech in 1888, but he left a secret Minute recommending practically the fundamental demands of the Congress, and it was that Minute which secured us the next advance in Lord Cross's Indian Councils Act. Now that was not a gift, a generous gift. It was forced from you by pressure of circumstances that faced you then. The fear, the fear of the unknown, the fear of public opinion—that was what forced that Act from you. Then we come to the Minto-Morley Act. What was that due to? That was due to the fear of the possibilities of the Bengal unrest. That was the direct psychological factor—that unrest which forced the Minto-Morley Reforms. We had it from Lord Morley. Speaking to a deputation that waited upon him in England when I was there—speaking to that deputation of Indian representatives Lord Morley said "I will give you concessions. Left-handed concessions and right-handed repressions will be my policy in regard to India." And we had that. Then after that we had this Act. What was it due to? It was due to circumstances. It was due to the pressure of Indian conditions. It was due, Sir, to "the gravity of the Indian situation" to quote Lord Islington, the gravity of the Indian situation during the war. And I have no doubt, Sir, that the announcement of 1917 was made during the war absolutely to allay this gravity. If the war had continued, if there had not been the dramatic ending of the war in 1919

if the North-West menace to which Lord Chelmsford referred in his speech at the War Conference, had materialised, I have no doubt, Sir, that we would have got a much larger and a much more liberal measure of reform than what we have got in the present Government of India Act. These are the facts, and I appeal on the basis of these facts, to you to take a long view. My friends, the Swarajists, have gone out. I do not know—I am not in their councils—what they are going to do. I do not know whether they will come back, or whether they will try, as they say, to appeal to the country. I do not understand what their appeal to the country will be, unless it be mass civil disobedience or some such thing. The policy with which they came to this House has failed on their own confession. Pandit Motilal said “We have failed”, and he cannot, by any stroke of magic, convert his failure of 1924–1926 into his success in 1927. The only logical position for the Swarajists will be to return to the non-co operation camp. That is the meaning, the psychology, the logic of their walking out, and if they should, Sir, follow up this logic, and go back to the non-co operation camp again, blessed by the holy hand of Mr. Gandhi, you may find yourselves in the same position in which you found yourselves in 1920–21—a position which compelled Lord Reading to think of giving us a round table conference in the winter of 1921. Now, Sir, that is the situation before you, and if you want to avoid trouble—I say it not as a threat but I say it as a friendly warning—we do not want any trouble, we do not want any revival of the non-co-operation unrest in the country again. We do not want that. We want ordered, peaceful progress to our ideal of Dominion status or democratic responsible government. We want ordered progress. But if you will not have it, it will be on your head—the responsibility for whatever unrest you may have to face will be on your head. You may say “Oh, we do not mind, we have our machine guns. Remember Jahanwalla Bagh, remember Lahore”. But that will not do. These things pay only once, and not twice. And you did not try in Bengal what you tried in Jahanwalla Bagh. One word more, Sir. You talk of co-operation. But what kind of co-operation do you want? You want the co-operation of the slave with his master—not the co-operation of comrades. You want to decide your policy, and you want us to work out that policy. You want to be the brain and you want us only to be your hand. That kind of co-operation no honourable man, no honest man, no self-respecting nation, can ever give to any Government. Consult us, take us into your confidence, and then upon the prosecution of any policy that may be decided upon by consultation between you and us you will have our loyal co-operation to the fullest measure. But this is not the kind of co-operation that you want. And once more—you want co-operation but from whom? My friend, Mr. Jinnah, has already said, “You want co-operation, only from the Swarajists who will not co-operate with you, but you will not look at others. Your eye is fixed on the attractive Swarajist faces. You are looking at them. You will not look at others who are ready, honestly and honourably, to co-operate with you, who have been giving you co-operation all these years. But you say, they are the strongest party—the Swarajists. Certainly they are the strongest party in the House. They are apparently the strongest party outside also. But you are not worth your responsibility if you do not note the trend of public opinion in the country. Do you not recognise that the Swarajists are losing their hold on the country? Do you not recognise that there is a large body of vocal

and more largely a body of unvocal opinion in the country which is silently raising its protest against the unreason and impolicy of the Swarajist obstruction?" Do you not know that there is an increasing body of public opinion among the articulate section of the community which is raising a silent protest against the Swarajist policy of obstruction. That policy has failed and if you do not know, I will with your permission try to enlighten your ignorance by quoting, not an Indian paper, but a European organ

"Bengal has been able to study the Swarajist influence in its strength. It can now see it writhing under a sense of impotence. There is no longer a C. R. Das in command, his capacity and wisdom are not found in the successor whom Mr. Gandhi selected. The Swarajist leader has been discomfited in the Council Chamber and in the streets.

The same story may be illustrated from other quarters. The Swarajists have not the following they had in the exciting days two years ago, when they swept out of their seats well tried men who had done good service to the public. The country no longer believes in them. A study of what goes on in local politics is informative, there is a growing resentment at Swarajist attempts to secure control. Barisal is a case in point."

and so on and so forth. It is from an editorial in the *Statesman*. It adds

"In Barisal when the votes were counted at the latest municipal election, only three Swarajists were elected out of a total number of 10 commissioners, and a candidate, who had the prestige of thirty years of good work as a commissioner behind him but now chose to fight under the Swarajist banner, was decisively rejected."

Now, that is a straw, but a straw that shows which way the wind is blowing and in view of it are you going to help the Swarajists by refusing this demand of ours, because if you do, the Swarajists will be justified, they will cry out from the housetop.

"No co-operation is possible with people who refuse even such reasonable, such moderate demands as were put forward by the Independents."

And then perhaps if there is another non-co-operation upheaval, then perhaps with the fear of the unknown before you, you will climb down. But it will be too late, too late, and too late is a word that damns statesmanship and politics in every part of the world.

Friday, 12th March, 1926

*Mr J. Baptista (Bombay Central Division Non-Muhammadan Rural). Mr. President, it is with considerable reluctance that I rise to support the motion of my Honourable friend the Member for Bombay. My reluctance is due to the policy of responsive co-operation which I have inherited as the political testament of that great and sagacious patriot, Bal Gangadhar Tilak. I am thoroughly convinced that the policy of responsive co-operation reinforced with goodwill to Great Britain is the best policy to pursue for the purpose of promoting the political progress of India towards the great goal of Swaraj. In the circumstances you will realise the reluctance I feel to begin my responsive co-operation in this Assembly by associating myself with a motion of this description. I feel somewhat embarrassed, like a man constrained to approbate and reprobate

at the same time, but one must do his duty, and although the duty may not be a very agreeable one it must be discharged

Now Sir, the motion before us is to omit Demand No 28. The object of this omission really is to raise the constitutional issue. The Honourable Member from Bombay has explained what he means by the constitutional issue. It is quite clear from that explanation that this vote, though it is in the form of a censure, is not in its essence a vote of censure. As a matter of fact, it would be somewhat anomalous to move a vote of censure in a constitution of the present description. We have His Majesty's Government, yet we have not reached the stage of His Majesty's Opposition. We have a Government that is irremovable. Therefore the Government established by law cannot be disestablished by a vote of censure. Therefore nobody need be deterred very much by this kind of vote of censure. It has not the consequences that pertain to votes of censure. Government are not going to resign. Nobody expects them to resign. This vote of censure is really a more emphatic way of raising the issue than could be done by a mere Resolution and, therefore, I think that nobody need be deterred or frightened by the idea that this is a vote of censure and will result in disastrous consequences. Nothing of the kind.

Now Sir, I myself am disposed to look upon this demand as a kind of gentle gesture to remind the Executive of the Ides of March. But the dramatic departure of the Swaraj Party has more than warned the Government to beware of the Ides of March. Now I do not know whether the Ides of March is going to be the doomsday of the Executive Council or the doomsday of the Swaraj Party or the doomsday of both! I do really hope that it will not be the doomsday of either of them. I hope no crisis doomsday is at hand. After all Sir, in spite of the faults of the Swaraj Party we cannot but admire the spirit of service and sacrifice which they are displaying on very many occasions. Some of their acts no doubt remind us of Shakespeare's *Comedy of Errors*. But there is one

enemies in England, will misuse, will abuse, this departure for the purpose of doing damage to our just cause I hope and trust that we shall not put ourselves in the hands of our enemies by this means.

Then, Sir, I come to this Demand What will happen if this Demand is dropped? What will happen is simply this We shall deprive the weary workers on the Executive Council of their joy rides in reserved saloons to all parts of the great Indian peninsula Nothing more than that will happen, nothing more serious, if they do not travel, as my Honourable friend Mr. Jinnah said they will learn nothing and they will forget nothing like the Bourbons of old, and that will not do much harm This grant can be restored because they have the power of restoration Therefore, I submit, Sir, we need not be frightened by any disastrous consequences What will happen really is this It will do no harm to Government but it may do good to Government and good to the people It will probably strengthen the hands of the Government to make fresh representations to the effect that the people of this country are thoroughly discontented with the present constitution and they are quite justified in their discontentment, and in that way they will promote the good of the country And in this matter I would ask even our European and Anglo Indian Members and others to be with us and support us After all, the object of the Honourable the Mover of this amendment is merely to accelerate the appointment of a Commission, Statutory Royal or whatever you may call it, for the purpose of promoting further instalments of reform, for the purpose of reforming the Reforms I trust, Sir, that our Anglo Indian and European friends will support us Sir they are sometimes described and depicted as birds of passage personally I think it will be more correct to depict them as Birds of Paradise for I find them quite as charming and as beautiful as Birds of Paradise (Laughter)

Sir that is the point of view that I would urge upon this House Now, who in this House is enamoured of this present constitution? Is there any one in this House who does not thoroughly agree that these Reforms are inadequate and unsatisfactory? If they do, I should like them to examine it a bit Some years ago, Lawrence said that there were only two great autocrats left in the world the Czar of Russia and the Viceroy of India That was before the War Sir, the Czar is gone, but the Viceroy remains As a matter of fact he has emerged from the Reforms far more autocratic than he ever was before, far more autocratic than the Great Moghul was in the zenith of his power Now, I would ask you to consider this Before the Reforms, the Viceroy could issue Ordinances which could last only for six months To day after complying with certain formalities he can make any law he pleases, and he has made laws as he pleased That could not be done before these Reforms (*An Honourable Member* "What about the cotton excise?") I do not quite understand the interruption So far as the cotton excise is concerned, I do not know how it affects the power of the Viceroy He could have done it before the Reforms I am not saying now that the Government are not doing something good, that they are not making regulations and passing laws which will satisfy socialists in England I am only a Fabian, Sir, I am not a red-hot Socialist myself I am not contending about that I am now only discussing the power which the Viceroy possesses under the present Reforms Take Bengal for example Before the present Reforms, under the Morley-Minto Reforms, Bengal had an elected majority That elected

majority could prevent the making of any laws which they did not approve. They cannot do so to-day, under the powers of certification that are reserved to the Governor. Therefore, in this matter so far as I can see, the Reforms have retrograded to some extent and have not advanced. The only difference is that now you have got a lot of camouflage and behind you have terrible reserve powers which you can use, nowhere is it more clear than when we come to deal with the power of the purse. What happens, Sir, to-day? You have the power of restoring any Demand for Grant that has been refused. I often hear people say "Why should we compel Government to restore?" I was sorry to hear some gentlemen say that by compelling Government to restore we will only transform an abnormal power into a normal procedure. I do not think that need deter us. That argument once appealed to me, but it now makes no impression on me because of the past conduct of the Government when they restored grants on very flimsy grounds. Therefore I do not think any one should be deterred by it. On the other hand, Sir, I think that being compelled to restore it exposes one of the most fundamental defects of this present constitution, and I shall explain it. We have all heard of the sacred principle of no taxation without representation. But the power of restoration means this, that the Government can impose taxation and ignore representation. If I may use an expression which is more graphic, though less polite the power of restoration means "Impose taxation and damn representation." That is the power of the purse which exists to-day, and it is one of the most fundamental defects in this constitution. Is there any one here who can tolerate the powers thus possessed by the Government? I submit, Sir, no one in this House should tolerate it, much less should Englishmen tolerate this power. In this twentieth century no Government imposes taxes without the consent of the people. Here the Government can impose taxes in spite of the dissent of the people. Nothing can deter them. They have the power to do so. But what does it mean? To impose taxes against the will of the people through the representatives of the people in this Assembly means nothing more than legal robbery. Constitutional lawyers are to-day agreed that to tax the people without their consent is legal robbery. I should like to hear the views of the successor of Lord Macaulay in this House upon this aspect of this question. I am quite certain, Sir, that Robin Hood and our own Ali Baba and the Forty Thieves would have been delighted if they had had this power. Therefore, Sir, this is a constitution which cannot for a moment command our approbation. It causes dissatisfaction, it causes discontent, it causes divine discontent, it enforces agitation. And I should like to ask, are the Government prepared or disposed to do something to relieve us in this matter in the way that has been suggested, namely by the appointment of a Royal Commission? It is a very moderate and modest demand, and I do not think that Government should hesitate. After all the Government must remember that they have had a good deal to do in fashioning this present constitution, and even if they had not they have a duty to advise. I do not know if you remember that in that famous declaration there was a paragraph which said that Parliament would decide what steps to take or in what time and measure the next move should be with the advice of the Government of India. Somehow those words have disappeared from the Preamble that is now embodied in the Government of India Act. I cannot for one moment believe that the Government in England would act without the advice of the Government of India, and I cannot for one moment believe that the Government in

England would reject the advice of the Government of India, and I therefore ask the Government of India what are they doing? Are they going to facilitate the next instalment or are they doing anything to impede the next instalment? I do hope and pray that they are doing something to facilitate the next instalment

Sir, what has happened hitherto? We were first told that there was no necessity to revise this constitution because within the structure and scope of the Act much could be done. Lord Peel said so, and I do not know what Lord Peel had in mind. He might have had in mind the distinction between votable Demands and non-votable Demands. This distinction of votable and non-votable, Sir, sometimes reminds me of the distinction between potable and non-potable drinks. It may be that he intended to obliterate that distinction, but I myself think that what he probably had in mind was what was done in Canada under the scope and structure of the Canadian Act. We know, Sir, that the Canadian constitution at the time Lord Derby made his famous report resembled very much the constitution of the Government of India to-day. But what did England do within the structure and scope of that Act? They did not change the Act—not at all, they simply issued instructions to the Governor General to appoint as his Ministers those only who commanded the confidence of the people, and by that simple act he transformed a family compact into a representative and responsible institution. I do not want to say anything about those who are appointed here, but sometimes I feel, Sir, that those who are appointed, instead of commanding the confidence of the people, seem to command the diffidence of the people, and that makes a world of distinction between appointing or not appointing Indians.

Well, Sir, that is the position. So far as this is concerned, we have not had the benefit of Lord Peel's instructions to the Government of India. But somehow the Government of India did not know what to do within the structure and scope of the present Act, they appointed a Committee—I suppose it was called the Muddiman Committee, and the Muddiman Committee made certain reports. Now, I do not like to throw mud at Sir Alexander Muddiman or at any other man, but I must say, Sir, that I am not enamoured of this Minority Report, much less of the Majority Report. We are no doubt grateful to them for transferring Forests or Fisheries or some loaves and fishes, but on the whole it seems to me, Sir, that it is playing with the temper and the talent of the people to ask them to be satisfied with this sort of change or improvement.

The next point to which I will refer is this. We are asking for a Statutory Committee or Royal Commission to be appointed before the ten years have elapsed. No doubt the period of 10 years is fixed under the Act, but that is only the maximum period. The Government are bound to appoint a Commission after that period, but they are not precluded from appointing it within that period. I remember very well, Sir, Mr Ben Spoor interpellating Mr Montagu whether a Commission could be appointed within that period and Mr Montagu declared that there was absolutely nothing whatever in the Act to prevent the appointment of a Statutory Commission before the lapse of ten years. If I am right, Sir, I think you yourself inspired the interpellation of Mr Ben Spoor at that time, and the wording of the Act completely bears out what I have said. Why then do they not appoint it? We are told, "Here is a machinery. If you work it well, we shall accelerate the Commission. But if you do not work it, we shall stand still. We shall not accelerate the

Commission " You all know that many of us are willing to work this Art for all it is worth. But they will tell us, " There is the Swaraj Party who refused to do it " The Swaraj Party naturally say, " We asked for a machine, but you have given us a different machine. The machine we asked for is quite different to this. Don't you know the difference between the machine you have given us and the machine we asked for?" Of course they do. It reminds me of a dutiful child who once prayed to God that it may have a bicycle. Its mother heard the prayer and promptly bought a tricycle. The child was very gratified, but the next year it prayed, " Oh, Lord, I thank you for the tricycle. But don't you know the difference between a bicycle and a tricycle?" (Laughter) I ask this Government, don't they know the difference between the machine they have given us and the machine we desired? Sir, the Swaraj Party naturally say, " This is a bad machine. This is a rotten machine. This is an unworkable machine. If we work this machine, we will find it unworkable and you will say that the mechanic is incapable. We therefore decline to work this machine. Give us a better machine and we shall work it " The Government's attitude is simply this " You work this machine. It may be bad, it may be rotten, but you must work it. If you do not work it, we shall never give you a better machine "

Mr M A Jinnah (Bombay City Muhammadan Urban) Or any other

Mr J Baptista Is that a rational attitude? That is one of the most comical attitudes I have ever come across. Surely, Sir, the best way is to give them a better machine. Instead of giving them a better machine, the Home Member appeals to a proverb. He says, " You can take a horse to the water, but you cannot make it drink " That may be good enough for the horses of England. There is another proverb in England which says " England is the heaven of women but the hell of horses " Therefore, no wonder horses in England behave in the fashion which the Honourable the Home Member says, that " You can take them to the water but you cannot make them drink " Horses in India are quite different. (Laughter) You can take them to water and make them drink. The difference really, Sir, is the difference between the mentality of the East and the mentality of the West. Here we have come across a conflict between the mentality of the East and the mentality of the West. What would a wise man do? A wise man would say, " Well, you say you cannot work this machine. You want a better machine. I shall give you a better machine " That would mean responsive co-operation. That would compel co-operation. That is what a wise man would do. Instead of saying that, I find in Government a stubbornness which baffles my comprehension. I cannot understand why they will not give a better machine. If they say this is a perfect machine and our laws are perfect like the laws of Medes and Persians, and immutable, we should not be able to say anything more than what Carlyle said " There are 20 millions of people in England, mostly fools " Well, Sir, I do honestly pray that they will take a more reasonable attitude in this matter. They say the Swarajis were not responsive. Were they not? Could you get anything better, Sir, anything more desirable than what the Leader of the Swaraj Party said at the very commencement of the second reformed Assembly? He said, " We are here, non-co-operators come to co-operate with you. We are your men if you will take us " There was the hand of friendship extended to the Government of India and the duty of the

Government of India ought to have been to grasp that hand and if they had done so, at that very moment the history of India would have been completely changed

The Honourable Sir Alexander Muddiman (Home Member) What was the hand that was offered?

Mr J Baptista I do really believe that the Government have not acted in that manner in which they ought to have acted. It makes me feel that the whole object is to delay, delay, till the 10 years have elapsed. If that is your object, please say so and we shall know what to do. But if that is not your object, then do not insist upon the humiliation of the Swaraj Party. We know very well the history of the Swaraj Party. We know what made them take to non-co-operation, and if I may say so, it is non-co-operation on the basis of non-violence that has rendered the greatest service to the Government of India and has prevented the bloodshed of thousands of persons. (Hear, hear) It has rendered the greatest service that could have been rendered to the Government of India at the most critical moment in the history of India. I therefore do not think, Sir, that the Government of India should insist upon the humiliation of the Swaraj Party. Do you mean to conciliate them or humiliate them? I come here as a responsive co-operator and I can tell you honestly that if you respond to the appeal which my Honourable friend Mr Jinnah has made, you will change the face of this country. You will have a very large measure of response. Remember, Sir, after all the people of India are a very grateful people, and they, more than anybody else, are grateful for any concessions that are given to them. We are now entering upon a new era. I do hope, Sir, that under the régime of Lord Irwin and under the supervision of Lord Birkenhead we shall enter upon a new era of co-operation and of responsive co-operators. If you wish that responsive co-operation then accept this Resolution and comply with the demand of my Honourable friend for a Royal Commission. If you do so, we shall feel very grateful. I can assure you, Sir, that East and West will walk hand in hand and each will serve for the welfare of the other. I hope that will be the future of our country now. (Applause)

The Honourable Sir Charles Innes (Member for Commerce and Railways) Sir, I must apologise for inflicting a speech upon the House to-day, but Mr Bipin Chandra Pal is responsible for it. It is his speech that has brought me to my feet. Before I come to Mr Bipin Chandra Pal, I should like to refer to the speech of the Honourable Member who has just sat down. The Honourable Member is an old Parliamentary hand, and it would not become me to congratulate him on his maiden speech in the Assembly but I think that I can say that this House can congratulate itself on having added to its ranks yet another accomplished orator. At the same time I should like to make it clear that I disagree heartily with most of what the Honourable Member said.

Mr M A Jinnah That was expected.

The Honourable Sir Charles Innes Sir, I listened to Mr Bipin Chandra Pal's speech with the greatest attention. I must say that it surprised me very greatly. But what surprised me most of all was the conclusion of his speech in which he said that he was going to vote with Mr Jinnah. I am not one of those who believed in the practice which has been described as digging into the dust-heap of past speeches, but I have a very

vivid recollection, and I may say that most Honourable Members in this House will have a very vivid recollection, of a speech made by my friend Mr Bipin Chandra Pal on the Demand for Grant for the Railway Board in February, 1925 Pandit Motilal Nehru had moved the rejection of that Demand Mr Bipin Chandra Pal with all that eloquence to which we are accustomed in this House opposed that motion, and he made a declaration of principle with which I think the House will agree He gave this as his main reason for opposing the motion of Pandit Motilal Nehru He said

"We want to create conventions and all over the world constitutional advance has been made through the creation of conventions and we want to create conventions if we can, that the Viceroy shall not ordinarily certify a rejected grant"

And here may I just point out that Mr Bipin Chandra Pal is constantly mixing certification and restoration The restoration of a rejected grant is the painful duty of the Governor General in Council The Governor General in Council does not certify but can restore it, and he can restore it only when he is satisfied that it is essential to the discharge of his responsibilities Now, Sir, it is this building up of conventions to which Lord Peel referred in that famous despatch of 1923 to which Mr Baptista and Sir Han Singh Gour referred It was by building up these conventions that he thought that the progress within the Act could be made, and it is a matter of extreme regret to us on this side of the House that instead of building up these conventions in the way in which not only Lord Peel but Mr Bipin Chandra Pal advocated, this House is doing its best to prevent those conventions from being built up

I am quite sure that when Mr Bipin Chandra Pal resiled yesterday from his declaration of principle in February, 1925, he was acting under a misapprehension He thought, indeed he said it in so many words, that it would make no difference to any one if Members of Council were marooned as it were in Simla or Delhi He said that the expenses to which this grant relates are the expenses for taking the Members of the Executive Council to and from Simla That is an entire misapprehension as my Honourable friend, Sir Basil Blackett pointed out yesterday The expenses of our going to Simla form a very small proportion of these tour expenses The grant is intended to enable Members of Council to travel all over India and get into touch with people whom they ought to see if they are properly to discharge their duties, and I appeal to any business man in this House, especially my Honourable friends on the European Benches, whether the business community of this country would relish it if any restriction were placed by this House upon tours by Sir Basil Blackett, by Sir Bhupendra Nath Mitra or by myself (*An Honourable Member* "Are you really accessible to Indian opinion?") That is the best way in which we can discharge our responsibilities, and we tour periodically to important centres of India in order to discuss matters of the greatest importance to the country with people who are chiefly interested I ask Mr Bipin Chandra Pal to consider whether it would be wise that he should do anything which should stop us from doing that As I have said, I am perfectly sure that if Mr Bipin Chandra Pal had rightly apprehended this grant he would not have made the speech that he made yesterday

But, Sir I am not concerned with the inconsistencies of Mr Bipin Chandra Pal I should like to pass on to a much more important point.

Mr Bipin Chandra Pal said, "What do we want? We merely want a re-examination of the problem. We want an examination only." Those were his words. That is a very great change from the demand made in Simla in the September Session, and I should like to assure Mr Jinnah and Mr Bipin Chandra Pal that we in this House appreciate that change very much. The demand that is put forward now by Mr Jinnah and Mr Bipin Chandra Pal for the earlier appointment of the Statutory Commission is a demand with which we on this side of the House can have much more sympathy.

Mr Bipin Chandra Pal (Calcutta Non-Muhammadan Urban) Then why not accept it?

The Honourable Sir Charles Innes The Honourable Member asks me why we should not accept it. The Honourable Member has asked for the earlier appointment of the Statutory Commission under section 84A of the Government of India Act. Let me just read to the Honourable Member what exactly the Statutory Commission has got to do.

Mr M. A. Jinnah To take away the Assembly.

The Honourable Sir Charles Innes Section 84A (2) says

"The persons whose names are so submitted, if approved by His Majesty, shall be a commission for the purpose of inquiring into the working of the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and the commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government."

(**Mr M. A. Jinnah** "It does not exist now.")

"or to extend, modify, or restrict the degree of responsible government then existing."

Mr Bipin Chandra Pal We knew that you could go back. Go back if it is necessary.

The Honourable Sir Charles Innes Then again that Commission undertaking that all-important inquiry will be governed by those famous paragraphs in the Preamble to the Government of India Act to which my Honourable friend, Mr Jinnah, takes such exception.

Mr M. A. Jinnah I have never taken any exception.

The Honourable Sir Charles Innes I beg the Honourable Member's pardon. He takes exception to our repeating them in this House. That being so, I think I had better repeat those words once more.

Mr. M. A. Jinnah On the contrary I had said that the Preamble is of no consequence in a Statute. Why repeat it?

The Honourable Sir Charles Innes The Honourable Member says that all this reference to the Preamble of the Government of India Act is a patriot cry. It is not a patriot cry, nor is it a formula as the Honourable Member also called it. Co-operation is—and this is the point which I wish to make most clearly—one of the conditions that govern the whole problem, and the Statutory Commission when it comes will be governed by that condition. And whose fault is it that we constantly bring in this condition to the notice of this House? Is it our fault that every Session

of this Legislature, since the second Assembly began to sit, this constitutional debate has been brought up? Even Mr Jinnah, polished orator that he is, was entirely unable to say anything new yesterday and I can say the same of Mr Bipin Chandra Pal. If every Session Honourable Members will bring up this question we must as often refer them to the Preamble of the Government of India Act.

Mr M A Jinnah: Is there any mention in the Preamble or in any particular section that the Swarajists should co-operate before an advance could be made?

The Honourable Sir Charles Innes: I do not catch the Honourable Member. Then several Honourable Members asked us a pertinent question. They said, "What do you mean by co-operation?" Mr Bipin Chandra Pal said, "You want the co-operation of slaves with masters." I make bold to say that that statement is entirely incorrect. We have never objected in this House to reasoned criticism of any action of the Government. On the contrary, we have welcomed it and we will welcome it still.

Mr Bipin Chandra Pal: And you have defined reason according to your own ideas.

The Honourable Sir Charles Innes: Mr Rangachariar said to me, "Have I not co-operated?" If there were 318 million Rangachariars in India—it is an awesome thought,—I admit that the problem would be shorn of most of its difficulties.

Diwan Bahadur T Rangachariar (Madras City Non-Muhammadan Urban) No country can produce that.

The Honourable Sir Charles Innes: I will even say, that if there were 159 million Rangachariars and 159 million Jinnahs the problem would be shorn of most of its difficulties.

Mr M A Jinnah: You would not be here then.

The Honourable Sir Charles Innes: But what is the use of making debating points of this kind? I should like to restate without any bitterness at all the position that Government have always been compelled to take up in this matter. In 1919 the Government of India Act was passed. I think everybody will admit that whatever defects there may be in this Act, and no one on this side of the House has denied that there are defects in the dyarchical system, all we have claimed is that given good-will and co-operation that system is workable, workable as a transitory measure. Whatever be the defects, every fair-minded man will recognise that that Act represented a notable advance in the solution of a very difficult problem. It was a really generous advance, and it was an advance which ten years ago not one of the Honourable Members of this House would even have thought possible, and yet what was the response that we got? The British Parliament had made this very generous advance to the people of India, and the response we got was first the dangerous non-co-operation movement. The response we got was the boycott of the first Councils. Then, Sir, the non-co-operation movement spent itself. It failed, and the Swaraj Party, whose absence we all regret so much, came into this House with the avowed object of persistent obstruction within this Council. Then only in July last a Conservative

Government made the most generous gesture of advance towards this House. What was the response? Their offer was flung back in their face by the Resolution of September last. And finally, Sir, only a few days ago the most numerically important party in this House walked out. Now, Sir, I do not want to rub in these facts, and I am not speaking with any bitterness. I am speaking of what has passed and I am not referring to the future at all. But I do ask any fair-minded man in this House to consider for himself what sort of record is that for a Government which is bound to look, as one of the conditions of the problem, for reasonable co-operation before further advance can be made. That is the answer that I must give to Mr. Bipin Chandra Pal.

May I also take this opportunity of referring to a statement of my own which has, I understand, caused considerable excitement on the other side of the House. Speaking at the end of the railway discussion, I had great pleasure in telling this House that in so far as railway and commerce matters are concerned, not only this Assembly but the other Assembly had co-operated with me. Only three days later I had to revise that statement. But I still say that though the Assembly has passed many Resolutions on questions relating to commerce and railways of which I disapprove, yet when they treated commerce and railway matters on their merits, they did give me great assistance. I was then referring only to those two subjects, commerce and railways, and I did not refer in any way to politics at all. Now, Sir, if that statement will give my Honourable friend Mr. Rangachariar any pleasure he is welcome to it. But I should like to tell the House what followed upon that statement. I mention no names at all. When I had sat down after making that speech, two prominent members of the Swaraj Party came across and said to me "Sir Charles Innes, you have admitted co-operation with us. We shall get Sir Basil Blackett to admit co-operation with us and we shall get Sir Alexander Muddiman to admit co-operation with us and then all will be well." I think, Sir, that throws a flood of light upon the mentality of the Swaraj Party. It is perfectly true that within two or three days the Swaraj Party had walked out, but, Sir, who shall say with what searchings of heart they did walk out, and what divided counsels there were in the Swaraj Party? I have not the slightest doubt myself that many members of the Swaraj Party bitterly regret the mistake they made, and more than that I believe I am correct in saying that many members of the Swaraj Party recognise that during the last five years they have followed throughout a wrong and misconceived policy. The trouble is that one false step has led to another until it is difficult for them to retrace their steps. But I am quite sure that if we could rewrite the history of the last five years many of the prominent gentlemen who belong to that party would come in like Mr. Rangachariar and others and do their best to work this constitution, defective though it may be, instead of standing outside and trying to obstruct us at every turn. Mr. Bipin Chandra Pal said that non-co-operation had spent itself and he believed that the Swaraj movement would spend itself also. I believe that too. I believe that the tide has now turned. I believe that the members of the Swaraj Party are beginning to realise their mistake. What I appeal to Honourable Members in this House is that they should not in any way identify themselves with the methods which have been pursued by that Party. I know, Sir, that Mr. Jinnah's proposition is an attractive proposition to some. I am sure —

recognise that Mr Jinnah, Mr Bipin Chandra Pal and Mr Baptista have not put forward as the reason for the action they wish us to take any statement such as "grievances before supplicants". All they say is this. We want to show that we are anxious to have a further advance and we think that this is the most emphatic way in which we can show it. Sir, I agree that to some it is an attractive proposition. But I also believe that it is an unsound proposition and I believe that the right thing for Honourable Members in this House is at the present time to resist such political manoeuvres and to refrain from unsound methods of this kind. The Honourable the Home Member has told you that he is looking for the sign of the dawn. I believe that he would get that sign if my Honourable friends opposite would withdraw this motion and refuse to identify themselves with methods which, I make bold to say, have been wholly discredited. I appeal to all Members of this House, if Mr Jinnah will not withdraw, to reject this motion.

Colonel J D Crawford (Bengal European) It was not my intention to intervene in this debate, for my Honourable friend Sir Darcy Lindsay has said all that there is to say on behalf of the non-official European group, but the further appeals made to us by Sir Hari Singh Gour, Mr Bipin Chandra Pal and Mr Baptista necessitate in my opinion, some answer, and they afford me the opportunity of developing one point which to my mind has been overlooked and is a point of very great importance. Before I turn to that point I would like to thank the Home Member for the very sympathetic way in which he has replied to the request of Mr Jinnah. I personally have never been one of those who have been enamoured of this talk of "the open door". My feeling is that either here you have an Act which is capable of development and affords ample opportunity for progress if worked in a reasonable manner or the Act is fundamentally faulty in construction and therefore should be changed irrespective of other factors, and it has been difficult for me to understand how it is that the Government of India have not made up their mind on this subject one way or the other. To many of us it seems that much of the trouble and much of the difficulties with which we are faced to day arise from the opportunity afforded by the Government of India Act itself and by these suggestions of the open door to divert the attention of electors and their representatives from the important social and economic problems with which India is faced and invite them to concentrate their attention on this constitutional question. Had it not been for the fact that a definite period was stated in the Government of India Act we might have seen a far greater development of real political progress in this country to day than we have done. I am anxious to pay a very real tribute on my part to Mr Jinnah and his Party in this House and to those representatives in the first Assembly and their supporters in the country who have in the face of much unpopularity and continued pressure stood staunchly by constitutional methods. I do not in any way wish to limit my appreciation, and I am sure the appreciation of my colleagues of the co-operation which they have always accorded. I am one of those who believe with the Home Member that the reward for that work will in due course be forthcoming from the country. And in spite of what is said elsewhere, my constant watching of the political situation in India leads me to believe that in the forthcoming general election there will be a large sense of appreciation shown by the electorate throughout India of the work which my Honourable friends have done, and I sincerely

trust that they will come back in larger numbers to continue the policy which they have held hitherto. I feel that if that is the case, as my Honourable friend Mr Darcy Lindsay said, we Europeans will be only too ready to reconsider our attitude as it is to-day.

My Honourable friend Sir Hari Singh Gour and Mr Bipin Chandra Pal have charged Sir Darcy Lindsay and the European non-official Members on these Benches with having gone back on the liberal outlook which was displayed by the European representatives in the first Assembly. I know my friends opposite believe that if we are not inimical to India's aspirations at least we are intentionally conservative. Sir, let me emphasise the fact that we are not inimical in any way to India's political aspirations, and if I may prove to my friends that we are really and genuinely in sympathy with the desire to see India progress politically and economically, I will do so. There are many who will say that the European Association which I have the honour to serve is one of those "die hard" bodies. That is a charge which is often brought against it. Now what, Sir, does that body put forth as its political faith? What are three of the important points which it says are the political creed of the non-official Europeans in this country? The first is that their desire is "the fostering of a relationship of cordiality and co-operation with those Indians who are working constructively for the good of India", and it says that the following considerations will govern the actions of the Council of that body and the first two are these, "the maintenance and promotion of ties strengthening the position of India as an integral part of the British Empire", and secondly "the wisdom of assisting the political and economic development of the country in which we live with due regard to the benefit and contentment of its various peoples". Those, Sir, are expressions which I think genuinely show that we are desirous of assisting India's political progress, that we are prepared to assist all those like our friends opposite, who are working constructively for the good of India.

Mr K Ahmed (Rajshahi Division, Muhammadan Rural) What about your vested interests?

Colonel J D Crawford My friend Mr Kabeer-ud-Din Ahmed says, 'What about our vested interests? Sir, I think we all have vested interests in this country. The European community has very considerable stakes in this country, and it is the fear that those perfectly legitimate stakes may be endangered from remarks that are at times passed in this House, that is inclined to make the community cautious in coming forward. In view of those statements, Sir, it is therefore a matter of regret to me personally that to-day, when for the first time this little non-official European group finds itself in this House in a position to throw the scales one way or the other, that we are unable to give our vote to Mr Jinnah. (*An Honourable Member* "Shame") (Laughter) We do so, Sir, out of the entirely honest conviction that the time has not yet come for the appointment of a Royal Commission. That is our conviction as it stands to-day and that is the reason we cannot, holding that conviction, go, as many of us would like to do, with our friends into the lobby.

Diwan Bahadur T Rangachariar When will it come please? In 1959?

Colonel J D Crawford And this, Sir, brings me to the point which I wish to emphasise. My Honourable friend opposite asks me when we will come. Well, Sir, there is one remark which fell from the lips of my

Honourable friend Mr Baptista which seemed to me to show that the time cannot be very far off when we will be coming. He called us for once, "Birds of Paradise", and I felt that I was clothed in that wonderful plumage and had but to open my wings and fly into my Honourable friend's lobby (Laughter). But the fact underlying that remark is the most essential factor to the advance of India. We are accustomed in this House to be told that we are "robbers, thieves, blackguards". It comes from the lips time and again of irresponsible Members, and when Members opposite say, "Why will you not come into the lobby with us?" we might say, well when we go back to our constituencies they say to us, "Did so and so say that about you in the House, and do you mean to say you chatted with him in the lobby afterwards? We cannot understand the mentality of a man who is called a thief and a robber and then goes and has a cup of tea with the man who has called him that." That is the position that we are faced with in our constituencies. Remarks of that nature are doing much harm to our joint advance together. It is remarks such as Mr Baptista has made, that we are Birds of Paradise, that will bring us together (Laughter). (An Honourable Member "You want compliments.") That, Sir, is to my mind the great point. My friend Mr Muhammad Yakub has mentioned it, my friend Mr Baptista has mentioned it again. We desire to develop amongst not only the British and the Indians but amongst all communities a real feeling of goodwill and trust in one another. That is the surest method of advance, and all those who use these bitter words, either in this House or on a public platform or in the Press, be they European on the one side or Indian on the other, are putting off the day when we can really get towards Swaraj. I do implore my Honourable friends there who have done so much to work the constitution that they will always check such unworthy sentiments and that together we may work for that real atmosphere of goodwill and co-operation between all communities which alone will bring us to our goal (Applause). You may appoint a hundred Royal Commissions but they will do no good unless you can get the people themselves to work together and work for advance. I feel sincerely that the question of the earlier appointment of a Royal Commission is not one that really matters. But if to-day we as a community and other communities were relieved of the constant threats against minorities—if we could hear kind words instead of hard words, then

Diwan Bahadur T. Rangachariar. May I ask my Honourable friend, does he really believe in those threats? Has not the action of this Assembly during the last five years vouchsafed that safety which he wants?

Col'nel J. D. Crawford. I am asked if I believe in those threats. I believe that many of the remarks made from the opposite Benches are due to the exuberance of youth more often than not. But that is not the effect that they are inclined to have on persons outside the House who elect us as representatives here. I again emphasise my honest belief that if we could only get co-operation amongst ourselves, then we would not only have the solution of our difficulties here in India but the solution of the problem which faces the world to-day, the adjustment of difficulties between the various races of the world, so that we may live in peace and progress constantly (Applause).

Pardit Madan Mohan Malaviya (Allahabad and Jhansi Divisions Non-Muhammadan Rural). Sir, I was sorry to hear in the course of the debate two of my friends on this side of the House belittle the Congress and its

influence in the country I am sure they did not intend to cast any serious reflection on the Congress and that it was an unfortunate expression of opinion which

Mr Bipin Chandra Pal A word of explanation, Sir I never said one word in depreciation of the Congress What I said, and I hold still and will always hold, is that the Congress has no right to give any mandate to a Member of this House

Pandit Madan Mohan Malaviya Sir, I entirely agree with my friend that he is entitled to express the opinion that the Congress is not entitled to give a mandate to a Member of this House That is a proposition which may be debated, but what I took objection to and regretted was the remarks which went to show that the Congress had lost all its influence in the country and that its membership was confined to the number of a few thousands, and it is that which I took exception to I wish to say that the influence of the Congress in the country should not be judged merely by the numbers on its rolls at the present moment The Congress stands in this country for only one policy, namely, the policy of the early establishment of responsible Government in this country, and on that point I venture to say that all educated Indians are of one mind We differ from the present Congress Executive and the policy which they pursue I have my strong differences with them But I wish everybody to understand that the country as a whole is of the same mind which the Congressmen at present in office express, namely, a strong, a keen and an undying desire for the early establishment of responsible Government in this country

Mr Bipin Chandra Pal By civil disobedience

Diwan Bahadur T Rangachariar They have dropped it

Pandit Madan Mohan Malaviya I had hoped my Honourable friend, Mr Bipin Chandra Pal, was cured by this time of the dread of civil disobedience I will not spend any more words on it

The second point I come to is the attitude which the Government Members have adopted in this debate The Honourable the Home Member in a very sympathetic mood expressed his differences from those who have spoken in support of this motion So also the Honourable Sir Charles Innes has said that it is not in any spirit of bitterness that they approach this question, that it is not in any spirit of unreasoning opposition that they oppose this proposal, but that they honestly feel that the interests of India will not be served by persisting in the attitude implied in the motion of my Honourable friend Mr Jinnah They expressed, both of them, a strong desire that there should be greater co-operation and goodwill shown by Indians The Honourable Sir Alexander Muddiman said and there was a note in his speech which touched the hearts of some of us—that he did not mean to treat lightly the proposals that came from this side of the House he opposed the motion because he honestly believed that those who had put them forward were mistaken, and he justified the attitude of the Government because he said that there was an absence of that amount of co-operation which the Government considered necessary He described himself as a watchman, and he said he did not see the beacon light otherwise it would be his happiness, his privilege, to report that darkness had been dispelled and light had dawned so that the Royal Commission might come to this country Now, Sir, I ask my Honourable friends on the Government Benches to consider whether we Indians as a body, or

Swarajsts in particular, are alone responsible for the absence of that amount of co-operation which my Honourable friends on the Government Benches desire. I wish, Sir, that they would examine the situation dispassionately and calmly. May I remind my Honourable friend, the Home Member—because he certainly was present here in 1918—of the Conference which was held in this very House under the presidency of Lord Chelmsford in 1918 when the Princes of India and the representatives of all sections of the Indian public met here in response to the appeal of His Majesty's Government to make a stronger, a greater effort in the matter of recruiting for the Army and helping the Government in other ways in carrying on the War? My friend certainly will remember in what spirit the Princes and the representatives of the people met. My friend will remember that there was no desire in any heart except the desire loyally, honestly, earnestly to co-operate with the Government in that crisis, and, Sir, I would then ask my friend to remember what came in 1919. It is unfortunately necessary to recall these facts in order that we should judge fairly and impartially whether the blame lies on only one side, or whether it should not be distributed on both sides. I do not wish to dwell at length upon the incident of the enactment of the Rowlatt Act when all the Indian Members of the Legislative Council were opposed in a body to the passing of that Act. I do not wish more than to refer to the incidents of the martial laws in the Punjab. I wish merely to remind you that the Government appointed a Committee to inquire into the administration of the martial laws and that by the verdict of that Committee the complaints of the people about the excesses which had been committed under those laws were fully established. I come, Sir, to the year 1920. Finding that the Government had not responded sufficiently to the call for redress made in respect of the Punjab wrongs and in the matter of the Khilafat, Mr Gandhi launched his non-co-operation movement. It was the result of the attitude which the Government had adopted. The Government should not forget that fact. We come then to 1921. We know what unfortunately happened that year. We know the unfortunate incidents that took place in Bombay, but those incidents need not have led to the extension of the Indian Criminal Law Amendment Act to various provinces. Under that extension my Honourable friend will remember that nearly 25,000 persons or about that number were put into jail. Men highly educated and most respected among the Indians, were put into jail. My friend Pandit Motilal Nehru was among the number, and my friend the late Mr C. R. Das was also among the number. I cannot name all who were thus made unjustly to suffer. The Government continued that policy for a long time. The Government kept up that policy of not merely non-co-operating with the people but a policy of repression of the people. In 1922, Mahatma Gandhi, the most respected Indian of his time, was put into jail. Now, Sir, did not these circumstances combine to create a feeling, were they not calculated to strengthen the feeling, of regretful non-co-operation with the Government on the part of Indians? We then come to 1923. The Government found that the men who joined the first Assembly in the teeth of the opposition of their own countrymen did co-operate with the Government to the best extent they could. Their co-operation elicited more than once from the then Home Member, Sir William Vincent, an expression of appreciation of their attitude. The Government were inclined at that time to recommend to the Government in England that the question of an earlier extension of the Reforms should be considered. But that attitude disappeared shortly afterwards. A new Assembly came in in 1924. Who came in?

Many men who had kept back on the first occasion, men who thought that the system of dyarchy which had been introduced was very unsatisfactory, men who were in principle entirely opposed to the system, still came in, and came in with the desire to mend the system or to end it, with the desire either to have it improved or to have the system as it existed destroyed. Was it a crime to do so? Is not that language known to politicians all over the world, that when you want to improve a system, you do talk of either mending it or ending it, of destroying the old system so that a new system might be substituted for it? That was the object with which these gentlemen came in. And who were they? Many of them men who had suffered imprisonment most unjustly for various periods of time, men who were among the most educated, several of them among the most esteemed of Indians. Such were the men who joined the Councils, the Legislatures all over the country. And what was the first act, the first important act which they resorted to? I do not wish to take up the time of the House by going through all the details. There was a demand put forward in February 1921. That demand was not the demand of only one Party. It was not the demand of the Swaraj Party, it was not the demand of the Independent Party. It was a joint demand of all Nationalists in this Assembly, in fact practically of all Indians who were free to record their vote in favour of my proposition which helped the people. Now, that demand, I submit, indicated very clearly a desire for co-operation with Government, and the speech delivered by my Honourable friend Pandit Motilal Nehru in putting forward that demand could not have been delivered in a better spirit of co-operation than it was. You remember, the House will remember, Sir, and Pandit Motilal Nehru reminded the House of it the other day, that he had said to Government 'If you accept our proposal, I am your man, I offer co-operation if you will accept it.' And the co-operation that he offered was not offered on impossible terms. What was it that the demand asked for? It did not ask that the reforms we desired should be introduced all at once. It did not say that full responsible Government should be established there and then in this country. All that it urged was that the Government should take steps to call a Conference at which the question should be fully examined, at which all sides of the question should be examined, and representatives of all important parties in the country could be heard as to what they thought was best in the interests of the country as a whole. That was all that that demand asked for. The response of the Government to that demand, Sir, is very well known. It was not adequate. A Committee was appointed, a Committee did examine the question in a very limited form. There was a Majority Report and a Minority Report. It was open to the majority to differ and it was open to the minority to differ each from the other, they did differ. When the Government brought forward a proposal that effect should be given to the report of the majority, with which the people's representatives in this House did not agree, what did we do? We put forward another proposal, a carefully considered proposal, which embodied the principles which we desired should be considered, examined and embodied in the next Reform Act, the Resolution of the 8th of September, 1924, incorporated those principles. Those principles were put in in a Resolution, because that was all that we could do on the occasion, and as my Honourable friend Mr. Jinnah reminded the House yesterday it was done in distinct response to the utterance of Lord Birkenhead, who had invited us to show if we could help in constitution-making. Constitution-making, Sir, we did not undertake, because

we had not the power to amend the Government of India Act, but we had it in our power to indicate the principles which we desired should be embodied in the new Act, and that, I submit, was a real contribution in co-operation, honest, earnest, honourable co-operation, it was as much of reasonable co-operation as the Government could reasonably expect

The Honourable Sir Charles Innes Not a comma to be altered

Pandit Madan Mohan Malaviya I think, Sir, the Honourable Sir Charles Innes is far too old an officer and man of experience seriously to mean that that stood in the way of the Government accepting the proposal. I think, Sir, my Honourable friend knows—he himself sometimes makes very witty remarks,—he knows that every word that is uttered in a debate is not to be treated with equal seriousness. At any rate, without any disrespect to him, I do not treat all that he says with equal seriousness. I would be doing him an injustice if I thought he really felt that that was the bone, that the comma was the bone, which stuck in his throat, and that but for it he would have accepted the proposal contained in the Resolution of this Assembly. I should be very happy if the case was really otherwise, for then, even without consulting my friends of the Swaraj Party, I would venture to agree, and we would persuade our friends and the country generally to agree, to remove that comma and any other similar commas. Now, I ask, Sir, the Government Members to consider what is the real position. Have they done all that they could on their side to make it possible for us to offer greater co-operation? Can they suggest anything more that we could have done in the way of real co-operation? When it was urged by Mr Jinnah or some other friend that Government measures had received support from this side, and that the Honourable the Home Member could not mention any Government measure which had been opposed by this House, any measure of importance which the Government wanted to pass, the Honourable the Finance Member had ejaculated ‘What about the Finance Bill?’ The Finance Bill of 1921 was of course rejected by this House, and if it was a sin to reject it I was the greatest sinner, because the idea originated with me. But I beg to tell the House that I do not feel repentant up to this moment. I feel that it is perfectly legitimate for this House, as it would be for the Members of the English House of Commons, to express our disapproval of the financial and executive administrations of the Government in the strongest manner we can within the constitution by opposing a Finance Bill. It was a step quite within the constitution. We gave our reasons for rejecting the Finance Bill. I will not detain the House by dwelling again on those reasons, but I will say this, that if the taxation which had been put up so high during and after the war should still be maintained, if taxation should continue to be maintained at a higher level than we honestly believe it should be, if the Government should not reduce expenditure to the extent we think they should, if the Government should not minister to the needs of the people, industrial and other, to the extent they should, if the Government would not respond to the call of the people for greater Indianisation of the services, if the Government would not open all the departments of the Army to Indians, if the Government would not take the necessary steps to prepare Indians, to train Indians, to take their proper part in the defence of their country, in the service of their country and their King, the representatives of the people would be justified in opposing

the Finance Bill as we opposed it, and if it becomes necessary to do so, I think every one of us would be prepared to oppose the Finance Bill again under those conditions, and unfortunately those conditions have not been very much altered, though, I recognise, that in some matters the Government have somewhat moved forward. I submit, Sir, that the rejection of the Finance Bill was meant to draw the attention of the Government here and even more, of the Government in England to the extraordinary situation in which we Indians found ourselves. Is there a country in the world where the people labour under such high taxation, where the taxation is so disproportionately high to the average national income? Is there a country in the world where the representatives of the people, elected by the people, are denied a voice in determining how the great bulk of the taxes, which are raised by their voices, shall be administered? I submit there is not, and that being so, we were justified, it was a duty we owed to our country, that we should record our protest against the action and attitude of the Government in the very effective manner in which we did. Sir, I submit that even that action of ours was one of co-operation, honourable co-operation, not slavish co-operation, to help the Government by the pressure of our honest opinion to do their duty rightly by the people, because I submit when we decided to join the Assembly, every Member who decided to join the Assembly or any other Legislature, decided to co-operate with the Government, when a Member took the oath of allegiance to the King-Emperor, he decided to co-operate with the Government, he decided to co-operate as an honourable man, as a free man. And we have all done so.

Pandit Madan Mohan Malaviya Sir, I have submitted that this Assembly has offered as much reasonable co-operation as it could to the Government, and I submit that the plea that the Government will not take any further step towards constitutional reforms because the amount of co-operation offered has not been reasonable is utterly unjustifiable. I submit, Sir, if my friends on the other side were to put themselves in our position, how would they like it? I should like them to contemplate what their feelings would be if they were in our position and we were in their position. I think it was Lord Morley who once said that an administrator should try to get into the skin of the people with whom he has to deal. Will the Honourable Members on the Government Benches consider what in a similar situation their feelings would have been if they had acted as we have acted and if they had been met with the replies that we have met with.

Diwan Bahadur T. Rangachariar They would have broken our heads.

Pandit Madan Mohan Malaviya Yes, they would have broken our heads. Perhaps they would have done so. I ask what their feelings would have been if they were in our position, if they were as resourceless as we are, and if the might and power of the Government was all entirely in the possession of those who had the upper hand over them? I should like them to look at the question from that point of view. It will not help the Government, it will not help the cause of good government, if our friends will continue in the attitude which they have adopted. The Honourable Sir Charles Innes had said that the co-operation which had been offered was more than counterbalanced by the dangerous non-co-operation movement which was started afterwards. I have already

explained how that came in, and I submit that two parties were responsible for that movement having come into existence, of which the Government was one. And, if the effects of that movement are to be obliterated, if the feelings which that movement generated have to be removed, the Government have to play a very important part in bringing this about. If the Government will not play that part, if they will not do their duty, and go on blaming those who were opposed to them by repeating again and again that they have not offered that amount of co-operation which the Government desired, I submit that they will not improve their position before the Indian world or before the civilised world. The Honourable Sir Charles Innes also thought that there was a change in the attitude of the Assembly indicated by the speeches of the Honourable Mr Jinnah and the Honourable Mr Bipin Chandra Pal. I submit he is mistaken. The demand that was put forward as the united demand of Swarajists and Independents or of the Nationalist Party stands where it did. The suggestion that the Government might appoint a Royal Commission is merely one of the solutions which is possible. But the point of complaint was that the Government have not shown any readiness to meet the wishes of the Assembly even by appointing such a Commission as is contemplated under section 84A of the Statute. If the Government think that this is the best form in which the inquiry should take place, then they have to bear in mind what Mr Jinnah very carefully added that the composition of the Commission should be such as would command the confidence of the Indian public. That is not an extravagant demand. The whole question therefore is: Do the Government desire that the present state of feelings which exist between educated Indians and the Government should change or do they want that it should continue? Here you have the educated Indians throughout the country united on one demand. You find that everywhere the same demand is made whether it is the Swarajist camp, or the Independent camp or the Liberal camp or any other camp. Every political party has put forward the demand for the earliest establishment of responsible government in this country. Will the Government ignore it? How long will they? And what will be the result? Do the Government think that the position which they have taken up at present is the best in the interest of a long-lasting unity between Indians and Englishmen? I do not think that anybody suggests that the connection between England and India is going to cease at an early date. At least we, on this side, do not contemplate an early cessation of this connection. And, if this connection is to continue, is it desirable that the existing bitterness of feelings should be allowed to continue? If not, how long will substantial reform be delayed? It is obviously extremely desirable that the feelings between the Government and the people should be very much improved. And what are the means which should be adopted for it? Will the Government improve the feelings between the Government and the people by continuing to ignore or to treat lightly the united demand of educated Indians throughout the country? Some may adopt one course, others may adopt another, but they are united in their demand. And let me here say a word as to the course adopted even by my Swarajist friends. I submit, Sir, that even those who disagree with them, even those who, like me, think that they have not adopted the right course, must admit that the fact that 40 or more Members of this Assembly should have decided to walk out of this Assembly and that a number of highly educated men who wish well of their country and wish to serve it according to their lights have by concerted action retired from the Legislatures throughout the country, is a fact of serious import.

It certainly shows that the present system of Government calls for an early reconsideration. We are all anxious that the Government should adopt a reasonable attitude towards us, and we on our part are anxious that our attitude should be similarly reasonable. Differences must exist between men and men, and we are anxious that all our differences should be considered at a round table conference, at which we may be able to see the Government point of view and the Government may be able to see our point of view better than they do at present. If the Government continue to meet us only with a "No" to our united demand, and to function as they do at present with the powers they possess, what is the duty cast upon this House, what is the duty cast upon Members who come here to represent the people in this House? We clearly must place on record our protests against the existing system. That system is represented by the Executive Council of the Government of India. This motion is therefore brought forward to record our constitutional protest against the system. We feel that it is not the right system, we feel that it ought to be changed, that there should be an element of responsibility introduced in the Government of India, that the members who wield all the power of Government should be responsible to the elected representatives of the people in this House. We do think—we may be wise or unwise, right or wrong—but let me assure my Honourable friends, we honestly think that we can improve the administration very much if the Government Members will become responsible to the elected representatives of the people. Is that such a revolutionary change that the Government must oppose it? Will any Honourable Member on the Government Benches say that in any important matter that has come up for discussion they have found Indian Members to be unreliable? Will they not admit that we have debated all the questions which have come before us on their merits, that we have tried to put our own views and have tried to understand the views of the Government? If that has been the normal state of feeling which has existed in this House, who can say that if the Government Members will become responsible to the elected representatives of this House the administration of India will not be carried on much better than it is at present? That there is much room for complaint is beyond question. In every matter where we wanted improvement, Government have moved very slowly. In the matter of the Indianisation of the services what has been done is not sufficient. We do not merely want that our young men should be put in responsible positions. We also want institutions created to give them the necessary training to fill those high positions. We want suitable and sufficient opportunity given to Indians to train themselves for the defence of the country. When we find a sober and esteemed man like my friend Sir Sivaswamy Aiyer, who has all along co-operated with the Government complain of the most inadequate admission of Indians into the Army, I think Members of Government ought to feel that there is something very wrong in the attitude they have adopted. In this question as in others, for instance, on that relating to the encouragement of indigenous industries, we have much reason for complaint. The Government recognised before the War, and more so during the War, that the industries of this country ought to be developed. The dangers of India being isolated during the time of war were realised by the Government. A Commission was appointed which recommended many useful measures. How few of those recommendations have been carried out? How many recommendations remain still unattended to? The country is not growing in wealth, unemployment is growing to a distressing extent. After twenty or more years of education in Government and other schools, colleges and Universities a

large number of our young men are not able to find employment Trade is not flourishing Industries are not growing and flourishing I am sure that my Honourable friends opposite, who are where they are because of the Education they received, will admit that if such a serious state of things was found in England there would be a terrible cry raised throughout the country and in Parliament, and Parliament would have to legislate or adopt other measures necessary to improve the situation Occasionally the Government have taken some steps in some directions, but I submit that what has been done is very little A vast deal more requires to be done And I express the considered opinion of most educated Indians when I say that the pace of progress would be tremendously accelerated if members of the Government would become responsible to this House It is our conviction that this absence of responsibility is a serious drag upon good administration Not only are our recommendations disregarded in matters where vital changes are necessary, but even in ordinary affairs the recommendations of this House have not been given effect to Sir Sivaswamy Aiyer has already referred to the complaint regarding the expansion of the University Training Corps The Government took a wise step when they introduced the University Training Corps University students have been longing to get permission to be admitted in large numbers to the Corps But when you find that out of 2,000 students only 74 or 150 are admitted to a training corps and the rest of them have to wait and wait for years because the Government have not sanctioned an increase, I ask the Government to consider what will be the feelings of those students They want to train themselves, they want to be trained to serve their country and their King, and is it right of the Government to make such delay in responding to that appeal? I might also refer to the administration of justice What has been the action of the Government in two provinces which is partly responsible, I submit, for the attitude shown by my friends of the Swaraj Party and by some of us who have spoken on this present motion? In Bengal you have had so many educated men deprived of their liberty Again and again it has been urged that the Government should bring them to trial We do not want that those who may be really criminals should be allowed to go scot-free We want that those against whom any guilt is established should pay the penalty of that guilt, but we do feel that it is a wrong that so many men should be deprived of their liberty and for such a long time without being brought before a court of justice Let me also refer to a case relating to the Punjab Two years ago, when the Honourable Sir Malcolm Hailey was the Home Member, a Resolution was put before this House recommending the release of Sardar Kharak Singh, ex President of the Shiromani Gurdwara Probandhak Committee, one of the finest men I have known in my life, a man most esteemed throughout the Sikh world Sardar Kharak Singh has been going without any clothing except his *kachch* for over two years now I think, because a foolish rule was introduced in the Jail He was a political prisoner and he and his fellow prisoners were allowed to wear their own clothes He therefore wore his Akali turban One day an order was passed by the jail authorities that he should put aside his turban, and that those who wore Gandhi caps should also put aside their Gandhi caps He resented the order and as a protest he put aside all clothing, except a bare *kachch* on his loins The order was subsequently changed, and he was told that he might put on his turban, but the order prohibiting the use of the Gandhi cap still remained He protested and said he could not

put on his turban while his fellowmen, who were also political prisoners, were deprived of the freedom to put on their Gandhi caps. The matter was brought to the notice of the Government by a Resolution by Sardar Kartar Singh. Speaking in support of that Resolution, I laid the whole of the evidence of the case in which Sardar Kharak Singh had been convicted before this House. The Honourable Sir Malcolm Hailey said that he would ask the Punjab Government about the matter, but two years have passed and Sardar Kharak Singh, I am distressed to think, has still gone through all the cold of the winters of the Punjab without any clothing on his body. Last year also the attention of Government was drawn to this fact, and I should like to know from the Honourable the Home Member whether he has called upon the Punjab Government to explain why they have not taken any action in this matter. This is an isolated incident, but it is an incident of great importance, Sir, because it shows the attitude of mind which some of my Honourable friends in the Government adopt towards Indians and towards their grievances. For all these reasons I submit, that so long as the present system of Government will continue, such wrongs and grievances will largely continue. We therefore think that it is high time that the reforms we urge should be introduced and that they have long been overdue, namely, that the Members of the Government who are appointed to serve the people ought to be responsible to the elected representatives of the people. So long as this reform is not carried out, our duty is clear. We must record our protest with regret but with a clear idea of the duty we owe to our people, against the present constitution of the Executive Council.

Mr E Burdon (Army Secretary) Sir, ever since I became a Member of this Assembly, about four years ago, my Honourable and very greatly respected friend Sir Sivaswamy Aiyer has been our most assiduous and most formidable critic of military expenditure and military administration, and I wish to acknowledge the very great pains which he has taken to study the military problems and the military organisation and military system of this country, and of other countries also, in order to make his criticism of the Government of India in this respect informed, reasonable and consequently effective. I confess with pleasure that it is largely due to his criticisms and also to his suggestions that we have elaborated the form in which the military estimates for next year have been presented, and that in the course of the last few years we have discovered a number of new means of affording to Honourable Members of this House and to the general public a much larger quantity of information regarding military affairs than was formerly at their disposal. In fact I regard what has been done in this direction as one of the "reforms" of that particular category to which my Honourable friend Sir Sivaswamy Aiyer attaches so much importance. My Honourable friend I feel sure, takes it, to some extent at any rate, as an indication of the liberal attitude which the Government of India desire to adopt towards Members of the Legislature in presenting and discussing important military questions. But when I heard the speech which my Honourable friend made yesterday I felt very strongly, and I still feel, that in this instance his criticism is less generous than I should have expected from him and that he has not done the Government of India all the justice which they deserve. I propose now to address myself to the task of demonstrating, by an array of facts which I hope will not be unduly tedious that the charge which my

Honourable friend has brought against the Army Department is not entirely justified

I will begin, Sir, first of all by referring to that well-known theme, the institution of the Royal Indian Military College at Dehra Dun. The House has often heard from me and from successive Commanders-in-Chief a great deal about this school, and there are many Honourable Members who know a great deal about it at first hand, they have visited it and seen it in working. But it is necessary for me to bring forward again on this occasion the subject of the College because its institution and its successful development were and still are essential to the inauguration of the Indianisation of the Army, to use a phrase which I think combines in itself all the reforms which my Honourable friend, Sir Sivaswamy Aiyer, had in mind. Moreover, the Dehra Dun College not only represents the most important measure of reform, among reforms of this category, which the Government of India have undertaken in recent years, but it is also the best evidence of the difficulties which the Government of India have had to overcome in setting about the reforms in question. For it was found at a very early stage that the system of education generally prevailing in India was not adapted to the production of young men likely to make successful officers in the Army, and the Government of India themselves by official agency had to create a College which, though for very good reasons of sentiment it is called a military college, is really nothing more than an English public school in which the system of education has been given a certain bias towards training for the Army. The college is still unique of its kind in India and private enterprise has so far not seconded the efforts of Government. Yet there is no doubt at all that the school has been markedly successful. It was of course started only four years ago and it has not yet had time to produce the first batch of boys who have gone through the complete curriculum. The value of the results which the College has already achieved, however, has been generously acknowledged—I will say that—has been generously acknowledged by many shades of public opinion in India and I should like to read to the House certain observations made by the Commandant of the College in his last annual report

be a reasonable opinion, and looking at the matter in this light it seems to me that it is a remarkable tribute to the success of the efforts of Government that the Commandant should have been able to speak of the College in such an early stage of its development in the words which I have just quoted. I feel myself that if Government had done nothing more in the last five years beyond establishing that College, they would have been entitled to claim that they had taken the most important step towards the accomplishment of the end which my Honourable friend wishes to reach so quickly.

Now, Sir, we have had to attack the question of education in and for the Army at many other points. A good deal has recently been written on this subject and been made available to the public and I do not propose to detain the House long on this particular point. I think it will suffice if I explain that we have made special and very carefully designed arrangements to provide the Indian soldier in the Indian Army with a sound practical education. We have done this because it has been our experience that education of this kind not only makes a man a better citizen but it makes him a better soldier. We have also made arrangements to provide for the special education of the children of Indian soldiers and officers, because it will obviously be to the national advantage and also to the advantage of the Army that these children should acquire a sound educational background before, as we hope they will do, they join the service in which their fathers have served Government. We have of course not confined our energies in the case of the Indian soldier and officer to imparting general education. In the Indian Army, as it has been re-organised since the War, Indian personnel have a far wider range of employment than they had before the War. They are employed not only in the primary combatant arms but also in many of the technical arms, for example, as gunners in certain branches of the Royal Artillery, and consequently, it has been necessary to give the Indian soldier, non-commissioned officer and the Viceroy's commissioned officer intensive training at military schools in technical military subjects. At those schools Indian personnel are trained not only to perform technical duties but also to instruct others in the performance of such duties.

Now, Sir, I pass on to one or two questions relating to the Indianization of the ancillary departments of the Army, a subject to which I know my Honourable friend Sir Sivaswamy Aiyer has devoted a considerable amount of attention. In the first place, I should like to remind the House of what has been done in regard to the Cantonments Department. Some time ago the Government of India decided to reserve some 20 appointments in the Cantonments Department—approximately 50 per cent of the appointments of executive officers—for Viceroy's commissioned officers. The remaining appointments in the Cantonments Department are open to British and Indian officers holding the King's Commission and I hope that it will not be very long before I get my first King's commissioned Indian officer to join the Cantonments Department. I next wish to remind the House of the fact that it has been decided to admit Indian gentlemen to the Army in India Reserve of Officers. That is another new departure. At the present moment we are not actually receiving any candidates for the Army in India Reserve of Officers for the reason that the terms and conditions of service laid down immediately after the War have not proved sufficiently attractive. But we have drafted

a new set of terms and conditions which I hope will have the desired result and will draw British and Indian gentlemen to the Reserve

Now, Sir, I should like for a moment to refer to our Ordnance Factories in which very valuable national and educational work is being carried on. The Civil Mechanical Engineering appointments in the Ordnance Factories are of course open to Indians but we have had practically no applications from Indians for these appointments. One reason undoubtedly is

Diwan Bahadur M Ramachandra Rao (East Godavari and West Godavari cum Kistna Non-Muhammadan Rural) May I ask the Honourable Member what steps have been taken to advertise these appointments?

Mr E Burdon I was just about to deal with that. The appointments are of course advertised in the usual manner but there are practical difficulties, which have to be recognised. There are a number of Indian boys who go to England and acquire the academic diploma which is one of the necessary qualifications for these appointments but afterwards they find it impossible to obtain the necessary workshop experience in industrial firms either in India or in England. That is a very real difficulty, and in order to meet it, the Government of India recently sanctioned a small experiment with great possibilities in it. They created an appointment of Probationary Assistant Works Manager at one of the Indian Ordnance Factories. An Indian gentleman has recently been appointed to this post and I personally hope that the experiment will be successful and will lead to much wider developments. Now, Sir, another matter to which I desire to draw the attention of the House is this. We have worked out proposals for the employment of Indians as King's commissioned officers in the Indian Army Veterinary Corps. But here, again, we have been up against the difficulty we are up against in so many cases, namely, there is no institution in India, private or otherwise, which teaches up to the standard of veterinary science required. We have framed proposals for overcoming that difficulty and I hope they will be successful. Now, Sir, I come to the question of the Territorial Force.

Sir Hari Singh Gour (Central Provinces Hindi Divisions Non-Muhammadan) What about the wireless or the Air Forces?

Mr E Burdon I do not think I shall be allowed to talk on all these matters. I shall take a sufficiently long time to deal with other subjects. I come, Sir, to the subject of the Territorial Force Committee's Report which formed one of the principal counts in Sir Sivaswamy Aiyer's indictment. Here are the facts. The Government created the Territorial Force as the nucleus of a citizen army in 1920. Four years later, much sooner than would have been considered proper

Mr M A Jinnah I shall have to ask your protection, Sir. What bearing has all this on the motion I have moved? The Honourable Member is going into details which are quite irrelevant.

The Honourable Sir Basil Blackett (Finance Member) Sir Sivaswamy Aiyer went into them.

Mr President: I do not think the Honourable Member is very anxious to go into details if the House does not want them. He is attempting to answer the criticisms made by Sir Sivaswamy Aiyer.

Mr E Burdon The Government of India were accused of stagnation and I endeavour to show that stagnation is not a correct description of what the Government of India have done

Mr. M A Jinnah You might give us the full history

Mr E Burdon We created the Territorial Force as the nucleus of a citizen army in 1920. Four years later, much sooner than would have been considered proper by many people, we agreed to appoint a Committee to go into the whole question of reforming the Territorial and other non-regular forces. This Committee had a non-official majority and a majority of Indians on it. The Report of the Committee was presented a little more than a year ago. Immediately after it was presented Lord Rawlinson, the Commander in Chief in India, under whose auspices the Committee had been appointed, died, and his immediate successor held the appointment of Commander in Chief temporarily only. These are factors which have undoubtedly contributed to such delay as has occurred in dealing with the Report. Then it was necessary to consult Local Governments. The Local Governments I may say, took a very great interest in the Report and went into the recommendations of the Committee with very great care. They have furnished us with very valuable criticisms and material. There was it is true, one Local Government which said that as it had no Ministers it could not furnish us with representative Indian opinion on the subject. Since then that Local Government has appointed a committee to deal with the recommendations of the original Committee. These have been our difficulties but actually the consideration of the Report of the Auxiliary and Territorial Forces Committee has almost been completed and the Government of India hope very shortly indeed to send forward recommendations to the Secretary of State.

Diwan Bahadur T Rangachariar How long will he take?

Mr E Burdon I am unable to say how long the Secretary of State will take but I hope it will not be very long.

Mr M A Jinnah 1929

Mr E Burdon Honourable Members will remember that His Excellency the Commander-in-Chief, speaking in this House the other day, envisaged very clearly the possibility of some expenditure being incurred in the next financial year on fulfilling some, at any rate, of the important recommendations of that Committee.

Now, Sir, I come to the Sheen Committee but I will mention that very briefly (Mr M A Jinnah "Nobody referred to that") I cannot without propriety say very much about it for the moment except that the evidence which has so far been published in the papers which have to be investigated in the inquiry was necessary, that the problems which have to be investigated are not altogether easy of solution and that probably the inquiry could have been undertaken with advantage at an earlier date. Here again, the case of this Committee, representation of Indian opinion is on the widest possible basis, and certain members of the Committee are being given an unexampled opportunity of studying the methods of military training in other countries.

Now, Sir, the last item of my tedious list is the Royal Indian Navy and here I must acknowledge that my Honourable friend Sir Sivaswamy Aiyer expressed himself without qualification as being gratified with what the Government of India have done in regard to this matter. In other quarters I have seen some expressions of disparagement but it seemed to me that the expressions were halting and that our critics in this particular instance realise that there must be something very substantial behind a scheme in which His Majesty's Government have agreed to give to the new force from the start the title of Royal and the privilege of flying the White Ensign. The critics of Government talk of percentages when it suits them and of numbers, not in the form of percentages when by doing so they can lend their argument a better colour. I propose to do the same myself. In the case of the Royal Indian Navy, the percentage of Indians to be recruited as executive officers from the start is 83½ per cent. I admit that this only means one Indian a year as an executive officer to start with but that is because the force for practical and prudent reasons has been established as a small force to begin with. It will be for the people of India to say whether they wish the force to be increased after having seen what its value is and what the possibilities are of obtaining Indian naval officers of the standard required. My Honourable friend Sir Sivaswamy Aiyer expressed the hope that there will not be great delay in taking the Navy scheme further and bringing it into practical operation. Well, Sir, I am rather optimistic on that point myself. We have got the ships, we have got the men and we have got the money too. One of our main stumbling blocks may be legislation but of course it is inconceivable that undesirable delay should take place in the process of legislation.

Now, Sir, in the record which I have given to Honourable Members of this House, do they find justification for my Honourable friend's complaint? (*Some Honourable Members "Yes"*) Sir, I would ask the House particularly to look to the circumstances in which the programme of reforms up to date has been carried out. The period of time to which my Honourable friend's observations relate commences with the end of the Great War when the Army and the Army administration were exhausted by the efforts of the War and when it was imperative that the Army itself should be reconstructed and reorganised from top to bottom in the technical military sphere quite apart from any changes that might be necessary in the political sphere to which my Honourable friend has mainly addressed himself. There were other preoccupations also. There was the Third Afghan War. There were continued disturbances on the Frontier. There was the necessity of settling the Waziristan problem in which I think the House will acknowledge that the Government of India have achieved a very conspicuous success. Will any reasonable man say that the record of army reforms in the political sphere which the Government of India have carried out is inadequate having regard to the difficulties under which the task had to be essayed? I can hardly believe that the general sense of the House will be against Government on this point. And I must further point out that Government have had to work alone in this matter. As I have said in an earlier passage in my speech, private enterprise has not arisen to reinforce the efforts of Government to improve the Indian system of education though measures of the character which Government have set on foot are acknowledged, and widely acknowledged, to be necessary not only for army purposes but for other important national purposes also. Private enterprise has done nothing—let me take another example—to encourage civil aviation amongst the people of this country. Had there been

any such attempt the arguments in favour of admitting Indians to the Royal Air Force, another of my Honourable friend's bones of contention, would have been immensely strengthened. Now, Sir, I hope the House will agree that I have gone a long way to answer my Honourable friend's indictment. I cannot admit that stagnation is a correct description of the history of the administration in the Army Department during the past few years. Had Government attempted to go faster they might not have achieved so much, they might even have found it necessary to retrace their steps. In the ordinary affairs of life "safety first" is an admirable maxim. It is a very sound maxim to follow in questions affecting the defence of India. (Applause)

Diwan Bahadur M. Ramachandra Rao. Sir, the debate on this question of constitutional reform has spread over a very wide field and every imaginable argument that has been used during the last three years has again been brought into requisition. Sir, we have had our usual surprises, both in regard to the logic of facts and the logic of argument. I do not wish to cover the whole ground again but would confine myself to a few matters. Sir, the Honourable Sir Alexander Muddiman began his speech by making some reference to the statement of Monsieur Briand that a politician's job is an atrocious one. I think, Sir, that the Honourable Member has come to realise the truth of that statement more than anybody else. He has become a very astute politician in this House, and the answer which he has given to this debate fully justifies the view that he is in the front rank of the politicians in this country. (*An Honourable Member* "No of the world") (*An Honourable Member* "Atrocious") Sir, I do not wish to add the adjective which my Honourable friend wishes me to add to qualify my statement. The Honourable Member made a most interesting speech for half an hour and went over the whole ground but committed himself to absolutely nothing. He did not give us an indication of the general conclusion which the Honourable Member and his Government have reached as a result of three years' endeavours in this House to get the Government to move on. He says

in the opposite direction I will quote what he said on that occasion. He has apparently forgotten all about it now. Sir, he said

"But, Sir, we have to look at the difficulties in the way of this demand for full self government. Sir Sivaswamy Aiyer suggested that the difficulty was that we did not think there was capacity among Indians. I would like to say that we on the Treasury Benches do not claim, never have claimed, that there are not extremely able men among Indians. Indeed, Sir, it would be a poor compliment to my Honourable Colleagues on my right and on my left. Nor, Sir, is it fear of anti-British action. Nor, Sir, is it a complaint of lack of responsibility on the part of this House. It is true that every now and then this House has passed Resolutions which I personally do not approve of, but speaking for myself."

—and these are words which are very important—

"speaking for myself I can say at once that I have had the greatest help from this House. With regard to practically every Bill I have had to put before them, I have had the greatest co-operation from them. It is not those reasons, not those reasons in the very least."

And then he went on to suggest his own reasons for not making an advance to which it is not necessary to refer. Sir, the point that I wish to bring to the notice of Sir Charles Innes and the House is that on the last occasion the Honourable Member acknowledged in the most handsome terms that this House gave him the greatest co-operation in every Bill and every measure that was brought forward by him in this House. Sir, he made the same generous acknowledgment during the last few days; and now the Honourable Member gets up in his place and accuses us of a want of co-operation.

The Honourable Sir Charles Innes Not you

Diwan Bahadur M Ramachandra Rao Sir, my Honourable friend says that he did not refer to us. Now let me refer to the doings of my friends who are not here. I will invite his attention to the review of political events for 1924-25, which Dr Rushbrook Williams compiled for the edification both of my Honourable friend and of Parliament. Sir, it is true that my Honourable friends, the Swarajists, committed themselves far too heavily to a policy of obstruction, but I claim that as soon as they came into this House, they realized the possibilities of the situation and quickly changed their methods. This is amply acknowledged by Dr Rushbrook Williams in his book "India in 1924-25." In referring to the proceedings of the March Session of 1924-25 the author of this book says that

"So far from indulging in the wholesale programme of obstruction and wreckage upon which they had at one time laid stress, they were taking a prominent part in the ordinary business of the House. For the rest, the Session served conclusively to demonstrate the general unanimity with which the section of Indian opinion represented in the House viewed the question of constitutional advance."

The Honourable Sir Basil Blackett Represented in the House

Diwan Bahadur M Ramachandra Rao We are all representatives

The Honourable Sir Basil Blackett Not of Cawnpore

Diwan Bahadur M Ramachandra Rao My Honourable friend seems to think that the question as to whether there is co-operation should be decided only with reference to events that took place after the Congress resolution was passed in Cawnpore. As has been stated by Sir Alexander Muddiman, you have to judge of this matter by a continuous course of conduct of the Swarajists in this House during the last three years.

The Honourable Sir Basil Blackett By what is stated by the Leader of the Swaraj Party

Diwan Bahadur M Ramachandra Rao I will answer my Honourable friend later if he will allow me to proceed in my own way

Now, coming to the September Session of 1924, when very many important questions were discussed, Honourable Members will notice that the same attitude of co-operation was maintained by all parties in this House. The historian says "that the events of September, 1924, proved that the death knell of the policy of obstruction in the Central Legislature has been sounded" Sir, I have now taken you up to September, 1924. I have already read the statement of Sir Charles Innes made in September, 1925. I have also referred to the handsome acknowledgment which Sir Charles Innes has made a few days ago. I maintain, Sir, that the Members of the Swaraj Party have served in all advisory committees, in the Standing Finance Committee for Railways, in the Standing Finance Committee, in the Public Accounts Committee. They have worked hard and have given every satisfaction.

Diwan Bahadur T Rangachariar Led deputations

Diwan Bahadur M Ramachandra Rao My Honourable friend suggests that the Leader of the Party even went to Viceregal Lodge to meet the Viceroy on the South African question. In the face of all these facts, in the face of the continuous conduct of my Swarajist friends who are not here to-day, I maintain, Sir, that the fullest co-operation was offered not only by themselves, but by every section in this House, and the charge which my Honourable friends opposite are bringing forward, namely, want of co-operation, up to the time when they left this House is absolutely baseless and without any foundation.

The Honourable Sir Basil Blackett They always protested very strongly when we congratulated them on co-operating.

Diwan Bahadur M Ramachandra Rao My Honourable friend always goes by the spoken word for the purposes of his argument.

Diwan Bahadur T Rangachariar Action is there.

Diwan Bahadur M Ramachandra Rao I have given a brief review of the proceedings in the House and I maintain that it is an act of injustice to the Swarajists and also to this House, notwithstanding the heavy commitments of the former to the contrary, to say that they offered no co-operation, and it is very ungracious on the part of my Honourable friends now to contend after all that they have done that no co-operation was forthcoming from them. Sir, the Honourable Sir Charles Innes asked us not to have anything to do with any other political party in this House.

The Honourable Sir Charles Innes Unsound methods.

Diwan Bahadur M Ramachandra Rao I may say, speaking for myself and several other Honourable Members on these Benches that we have differed from the Swarajists as to the methods, but let me assure him that on the general lines on which political reform should proceed in this country, there is and there has always been consistent unanimity amongst all the political parties in this country including the Swarajists. If he thinks that we differ in our ideals of political and constitutional reform, he is entirely mistaken. We undoubtedly differ in regard to the methods. Therefore,

That was our suggestion at the time. We are now asking you to undertake an inquiry because our criticism has been fully justified and that this period of ten years was far too long and that the tempers of the people entrusted with the working of this machinery are being sorely tried. Notwithstanding all these facts and warnings which they have had, the Government of India are persisting in their course of not squarely looking at the problem.

There is another point to which I would like to refer. I contend that any inquiry under section 84A would empower the Royal Commission to deal with all the questions which I mentioned to-day in the course of my speech. I contend that it would be open to the Royal Commission to go into the question whether there should be responsibility in the Central Government. It would be open to it under the terms of the section to inquire into the constitutional changes that would be necessary in the whole constitutional machinery of the Government. My Honourable friend, Sir Charles Innes, thinks it is quite possible under the terms of the section for the Royal Commission to recommend a set-back. I do not say that it is not possible, but none of my friends on this side of the House hope that any Royal Commission would do it, though it may be the opinion of my Honourable friends opposite. I do not think they hope that such a recommendation would ever be made. Therefore, Sir, there is no object in saying, "Are you for an inquiry under the terms of section 84A?" I would also bring to the notice of Honourable Members that there is another clause which says

"The Commission shall also inquire into and report on any other matter affecting British India and the provinces, which may be referred to the Commission by His Majesty."

What is there to prevent the Royal Commission from taking up all the questions which have arisen, not only with reference to the constitution of the Government of India, the want of responsibility of the Government of India, the partial responsibility in the provinces? What is there to prevent the Commission if there is a reference to it to inquire into all the questions relating to the Indianisation of the Army? (*An Honourable Member* "Nothing at all.") Therefore, Sir, I maintain that even if a Commission is appointed under the terms of section 84A, all the questions which are referred to in our September Resolution can be gone into, provided there is willingness to meet us and to meet our political aspirations. There is nothing in the threat which is always held out to us that the Commission may make a recommendation to go back on the Reforms. Such a contingency is very remote and we are prepared to face that. There is not a single member of Government who says that such a result is likely or that they wish for it or that there is material for going back. It is quite possible under the terms of the section, but I feel certain that neither the Honourable Sir Charles Innes nor the Honourable Sir Basil Blackett nor any of the other Honourable Members wish it or desire it or think it is likely. I do not know of any evidence in support of such a position. We are, however, quite prepared to take the risk and shall take steps with the support of the Government of India to see that this Commission is properly constituted. The Central Legislature has been declared to be the Great Parliament of India. I met a very distinguished public man, who came here recently from Great Britain, and he and his wife and another friend of mine, who is an Irishman, fell to talking about the general question of how to get the Government of India to move on. My friend, the Irishman, who has lively recollections of the days of Parliamentary obstruction led by Parnell, immediately said "You are too polished in your manners in

Diwan Bahadur M Ramachandra Rao I am perfectly certain my Honourable friend understands me. I say no self-respecting body should have its rules for the conduct of its business settled by executive authority, and that is exactly what my Honourable friend is doing, and that is why there is justification for saying this House is subordinate to the Executive. I resent the treatment which this House has received during the last three years. If you wanted to amend the rules to get over any practical difficulty, what prevented my Honourable friend from putting forward a Resolution and taking the sense of the House unless he thought that nothing emanating from him—I do not think he would make such a statement—would be accepted by the House?

The Honourable Sir Alexander Muddiman I had a suspicion

Diwan Bahadur M Ramachandra Rao Well, Sir, I have always had a better opinion of my Honourable friend than he seems to have of himself. I do not think my Honourable friend could say he had a suspicion before asking us what we thought of the rules of procedure in any particular matter. I repeat again, what prevented my Honourable friend from bringing forward a Resolution suggesting that the rules should be amended in any particular manner? I fully recognise that under the present constitution the Executive Government has got the power to amend them. We have protested against this power and we still continue to protest against it.

Well, Sir, take again the question of Standing Committees. It is true the Montagu-Chelmsford Report said that with a view to giving the Members of this House an insight into the practical working of these Reforms, Standing Committees should be formed and attached to the various Government Departments. What use has been made of these Standing Committees? During the past three years this question relating to the Standing Committees has been raised every year. Every time the Standing Committees have been proposed there has always been some kind of criticism that no use was being made of these Committees. There is no account of what these Committees were doing.

Sir, I do not think I shall weary the House any further. During the last three years every political party in the country has put forward some scheme or other at the December Conferences for constitutional reform. What action has the Honourable Member taken on these schemes? I think, Sir, the long and short of this story is that the Government of India do not want to move and we are at a loss how to get them to get a move on in this matter. It is no use telling us, without any justification whatever, that there is no co-operation in the country. Take the various communities in this country. Are you bringing this charge of want of co-operation against, say, the landlords? Are you bringing this charge against the Muhammadan community? Or are you bringing this charge against Honourable Members who belong to the European community and who have been so faithful hitherto but who now show a more discriminating attitude? Would you bring the charge against the Anglo-Indian community? I do not understand what this attitude really is. My friend points to the empty Benches. All that I can say is this that the Swarajists have done their level best during the last three years to get you to pursue a different course of action. They have failed, and notwithstanding their heavy commitments they have stayed here and times out

of number they helped you in the shaping of your legislative and administrative measures. Notwithstanding all this it is very regrettable that you by your action should have driven them out of this House, I do not think they should have gone—that is a different matter. Therefore, Sir, I think the time has come when my Honourable friends should take up this matter without any further delay. It has been said—I remember the statements of various distinguished members of the Civil Service—that the members of the Civil Service may be very good judges they may be very good administrators, they may be all that, but they are very poor judges of political currents and cross-currents in this country, and if notwithstanding all that has been done during the last three years my Honourable friends wish to maintain the same attitude as before, I can only say thus, that the system in which they have been brought up is greatly at fault. It may be that my Honourable friends have occupied distinguished positions as administrators and may hold even more distinguished offices hereafter, but the point they have yet to learn is the art of statesmanship. They must realise the implications of the various political forces in the country, they must seize the proper moment without any hesitation and try to guide political opinion in this country. What they really are doing is to keep aloof, to watch the quarrels between the various political parties in the country, and try to get some comfort out of it. They do not at all seem to see that after all they are here to work the Reforms as much as we have to and I submit, Sir, that when the Muddiman Report disclosed so many inherent defects—the Majority as well as the Minority Reports—I submit there is absolutely no justification for the attitude, which my Honourable friend has taken, of “waiting for the dawn.” I do not know how long my Honourable friend proposes to wait for this dawn. I hope better wisdom will dawn upon him and that the motion will be passed by a majority.

The Honourable Mr S. R. Das (Law Member) Sir, I propose to address this House on only one point which has arisen during the course of this debate, and that is the contention of my Honourable friend, Mr Jinnah, as also of some of those who followed him (*Sir Hari Singh Gour* “We cannot hear you”) that the condition of further advance laid down by Lord Birkenhead has been fulfilled. Pandit Motilal Nehru also made that claim and complained that if the Government were not satisfied with the co-operation which his Party had shown it was because the Government wanted abject submission from them. That the Swarajists have co-operated in this Assembly I do not dispute, in fact I cannot dispute it after what I have heard. But I want this House to consider whether the co-operation which they have shown is really such co-operation as is required by the condition laid down by Lord Birkenhead.

Sir Hari Singh Gour What is that condition?

The Honourable Mr S. R. Das I am coming to that if you will have patience. Just consider the history of their coming into this Assembly. What was the policy on which they went to the election? I myself happened to be one of the defeated candidates at the last election, defeated not by what my rival Swarajist candidate did but by reason of the vigorous and powerful campaign which the great leader of the Swarajists and the founder of the Swarajist Party, my cousin the late Mr C. R. Das, carried on against me. And what was his

that cry? It was, "We must pull down a building before we can construct a new one We must destroy, we must obstruct continuously"

Sir Hari Singh Gour. Destroy a dangerous building

The Honourable Mr. S R Das. One of his favourite illustrations was, "We must pull down an old building before we can construct a new one on its site" forgetting, as it struck me then and as it has always struck me, that it is only prudent before you pull down an old building to ascertain if you have got the materials for a new one, because it is more prudent to continue in the old building even though it may have a leaky roof than to be without one. It at any rate protects you from the sun if it does not from the rain. Now, that was the cry with which they got themselves elected and came into this House. I do not forget that Pandit Motilal offered the Government co-operation when he came here. I do not forget, as I have been told here over and over again, that he did co-operate with the Government in many instances. But do you think, having regard to the avowed policy of the Party, with which they came into this Assembly, that if they had come with a clear majority, Pandit Motilal, consistently with the avowed policy with which they came, would have made that offer of co-operation? Do you really think that if my Honourable friend Mr. Jinnah and his friends had not been here to prevent them from carrying out the policy with which they came they would have in any manner co-operated with the Government?

Mr Bipin Chandra Pal. Is this their reward?

Diwan Bahadur M. Ramachandra Rao. This is their reward

The Honourable Mr. S R Das. The point I want to make is that the co-operation which they gave was not co-operation from a feeling that they ought to carry out the Reforms under the present Act but it was one which was forced upon them by the circumstances under which they found themselves here. What happened afterwards? Before the last Cawnpore Congress some members of the Swarajist Party who called themselves responsive co-operationists charged Pandit Motilal with having in fact co-operated with the Government in this House, and they suggested that that co-operation should be carried to its logical consequence and that the Swarajist Party should be prepared to accept offices. What was the result? Pandit Motilal, Leader of the Swarajist Party, and the Swarajist Party not only refused to accept that suggestion—the House will bear in mind that that is the only way in which you could work the Reforms so far as the Provinces are concerned—they not only refused to do that but with a view to show to the country that they were still non-co-operators and with a view to get rid of the charge made by the responsive co-operationists that they had co-operated with the Government, they passed a resolution by which they directed the Swarajist Party to walk out of this House if certain demands were not conceded, knowing very well, as I am sure every one here will agree, that whatever the reason may be, right or wrong the Government were not going to concede this.

Diwan Bahadur T. Rangachariar. Why not?

The Honourable Mr. S R Das. I am not going to deal with that. But I say they must have known it. They did that for the purpose of repudiating the charge made by the responsive co-operationists that they had co-operated and with a view to show it to the country. What happened when

they came here? Pandit Motilal Nehru and his Party walked out on the plea that they had humiliated themselves by co-operating with Government, that the Government had rejected their co-operation and the only course open to them was to walk out. That is practically his plea for the action that he took. But I want this House to consider if that really was the reason why he and his Party went out. Was the reason that he put forward, that is to say that his co-operation had not been accepted, really the reason for his walking out? Was not the reason this, that the elections were approaching, that they felt that their action in having co-operated with Government while in the Assembly, having regard to the charge made against them by the responsive co-operationists, was likely to be misunderstood by their followers in the country and that it was necessary for them to convince their followers that they are still non-cooperators and that the only course open to them was to walk out? I want Members of this House to consider whether that was a co-operation which the Government was bound to accept as fulfilling the condition,—a co-operation not with a desire or in the belief that these Reforms should be worked which Lord Birkenhead wants, but co-operation which they were compelled to give by reason of their position. I submit, therefore, that my Honourable friends are not right when they say that they have throughout co-operated and that by reason of the tactless conduct of the Government the Swarajists walked out. I have suggested to the House the reason why they walked out and I submit that that is the real reason of their walking out.

There is one point to which I just want to draw the attention of this House. Mr Jinnah like the able lawyer that he is, knowing the weakness of his point that the Swarajists had co-operated, suggested, "Assuming that the Swarajists did not co-operate, are you going to penalise the rest of the country because the Swarajists did not co-operate?" I do not want to deal with that question at very great length, but I want the House to consider this. Does this House really consider that the Government in deciding whether the country is prepared to co-operate or not can possibly ignore the attitude of the Swarajists? They may be numerically a very small party. I believe, with my Honourable friend, Mr Jinnah, that so far as the bulk of my countrymen are concerned they are not Swarajists, but after all, however small they may be numerically, you cannot forget that they have by their power, by their organisation brought into this Assembly the largest single party, that they have succeeded in carrying out their policy, avowed at the time of their election, so far as the Central Provinces Council is concerned and so far practically as Bengal is concerned.

Mr M. A. Jinnah Do I understand from the Honourable Member that so long as the Swaraj Party does not make a declaration of co-operation, however small that Party may be, Government are not prepared to make any move?

The Honourable Mr S. R. Das I do not suggest that for one moment, but what I do suggest is this, that so long as the Swaraj Party have the influence that they have at present it is not possible for Government to ignore their attitude towards co-operation in working the Act.

Diwan Bahadur T. Rangachariar What are you going to do?

The Honourable Mr S. R. Das I do not intend to go very much further into this matter.

Mr. M. A. Jinnah Will their influence last if Government make a move forward?

The Honourable Mr S R Das That is a matter that I cannot answer, that is a matter on which there may be a difference of opinion. But the point I am dealing with is this. Is there that co-operation which Lord Birkenhead laid down as a condition for further advance? (*Several Honourable Members* "Yes", "Absolutely", "Decidedly") I may be wrong. Probably I am wrong. I am only putting forward the position as it strikes me.

Sir Hari Singh Gour A good lawyer arguing a bad case.

Mr Bipin Chandra Pal May I ask whether the action of the Government and the attitude of the Government will not help the Swarajists at the next election?

The Honourable Mr S R. Das It is a question of policy on which I am not prepared to give this Assembly my views. The position is this—that the Government have laid down through Lord Birkenhead that until certain conditions are fulfilled they are not going to make any advance. I am only dealing with that question.

Diwan Bahadur M Ramachandra Rao You are the sole judges of whether those conditions have been fulfilled.

The Honourable Mr S R Das I am putting to you the circumstances under which we think that there has not been that co-operation. You may say that in spite of that there has been co-operation. I am suggesting that there has not been that co-operation which is intended. I now want to answer the question put by Mr Rangachariar—"How long is this to continue? If we cannot get the Swarajists to co-operate, is this going to continue for ever?" Surely that depends to a very great extent upon the Independents, the Nationalists, the Liberals and other parties. If they will only get rid of their disunion, if they will only organise themselves, if they will cease to be apathetic, if they will go to the electors and work for it, I am positive that they will be able to exercise their influence as against the Swarajists and then it will be difficult for the Government to say that the country was not prepared to co-operate.

Mr B Venkatapatiraju (*Ganjam cum Vizagapatam Non-Muhammadan Rural*) At this late hour I would not have got up but the Honourable Mr S R Das's remarks make me stand up.

Sir Denys Bray (*Foreign Secretary*) Sit up.

Mr B Venkatapatiraju I will sit down after I have done with Mr S R Das. We still love him because he bears the name of the national hero Mr C R Das, whom we all revere. He told us that he was defeated at the elections and I hope he has not brought that ill-feeling into this debate when he made that speech. (*An Honourable Member* "He has not forgotten it.") Has he read anywhere the definition of co-operation? What is its opposite? I will only request him to read the history of the Irish Revolution, and he will find there what is the opposite of co-operation. The opposite of co-operation, as understood in England and in Ireland, is contempt of law. Did you find or do you find either now or at any time amongst the Swarajists that contempt of law which is the opposite of co-operation? The next is passive resistance. Did you find or do you notice that passive resistance started, which we regard as the opposite of co-operation or, lastly, open rebellion? These three things open

rebellion, passive resistance and contempt of law, alone can be regarded as the opposite of co-operation. If these are absent, I do not understand how the Honourable Mr Das is justified in saying that we do not get co-operation from that side. There is no use of mixing up the question of election with the present problem. We are here to consider whether there should be a further constitutional advance and what should be the methods adopted to secure it. Constitutional lawyer as he is, may I ask him about the defects of the present constitution. If I were the examiner I would put him the question, what are the fundamental principles on which the present constitution of British rule in India is based? I will tell him of those necessary ingredients which go to make up the constitution of a progressive State, and they are absent here. I will mention four fundamental principles which are absent in the working of this machinery. Does he find here that taxes should be levied only with the consent of the people's representatives? Is that the case in India? Is it not the fact that whenever you want you pile tax on tax in opposition to the popular view? Do you not think that there is an absence of that fundamental constitutional principle? Secondly, Sir, does he not agree that no subject should be imprisoned without cause being shown? Is there such a fundamental constitutional principle observed here? You have put aside the Habeas Corpus Act and have sent several people to jail without any charge brought home to them. Do not you think that you should refuse that portion of the constitution? Thirdly, I ask, should there not be constitutional limits to the autocratic will? Whenever we refuse any Bill, you certify it, whenever we refuse any grant, you restore it. How long do you think that that autocratic method should go on without being curbed? Do not you think the proper constitution requires that you should put an end to that? Lastly I ask you, Sir, with your short experience here and with your previous experience elsewhere, do not you think that equal opportunities to all and special privileges to none should be the underlying principle of all proper constitutions? Do you find it here? Do any of these things exist here? You impose taxes at your will, you show partiality and racial prejudice and you encourage privileged sections, you do not show cause for sending a man to jail, and if you do all these things, do you still think that this constitution does not require change? If it requires a change, if you think it is absolutely necessary that it should be changed, would you ask the people to bring about the necessary changes? Is it the practice in any country to consult the people in order to secure needed reform? If you think that the constitution has defects which should be corrected, you ought to do it yourself. You ought not to wait for others to say it. And if you think it is not right, it is for you to say so. Do you want to perpetuate these defects for ever? I will mention this as I am speaking with special reference to the Honourable Mr S R Das. Do not you think in the reorganization of the Department itself that the very existence of a Law Member without any administrative portfolio is an anomaly? If I were to suggest remedies the

not much difficulty. In September there will be a vacancy and Sir Charles Innes will go, and there should be a reorganization of Departments, and if this Department is abolished, still there would be ample room for three Indians to be put in charge of important portfolios. But I do not propose to take this up at this late hour or to discuss the general policy of administration. I will only just read the condemnation of the present administration, not by Indian politicians but by the Labour Party in England which was published in *New India*. I shall just read it to show how far they have condemned it. The charge against British rule in India is that "India is denied the rudiments of self-government, since the Council of State has a permanent Government majority, one-third of the Members of the Legislative Assembly are nominated, and the Governor-General is empowered to enforce any proposal." It declares that "freedom of speech and press, of meeting and of person is denied. Social reform is resisted by the Government. Health measures are inadequate, and the Indian Delegates to the League of Nations are appointed by the Secretary of State instead of by the Assembly. The Independent Labour Party recognises the full right of Indians to self-government and self-determination, and the British Government should announce its readiness to end external control."

The report of the Indian Advisory Committee of the Independent Labour Party further advocates "an amnesty for political offenders, and the withdrawal of Indian troops from non-Indian territories." It further urges "the enfranchisement of the working classes, and the examination of the system of land tenure and the affiliation of the All-India Trade Union Congress to the International Federation of Trade Unions." Now I ask, if an independent body in Great Britain should come to this conclusion that these are the defects in British rule in India, can I expect that an Indian Member of that bureaucracy should come forward and tell us, "It is not yet time for us to change the constitution?" I appeal to him if to no one else—because it is impossible to convince persons who have vested interests.

The Honourable Mr S R Das I have not said it.

Mr B Venkatapatiraju. Though you are bound by the rules and you cannot say it openly yet you feel in your heart of hearts that you have done a great injustice to yourself and to the country in which you are born and to the country in which you are serving.

The motion was negatived by 47 votes against 31.

10th February, 1926

THE CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT) BILL

The Honourable Sir Alexander Muddiman (Home Member). Sir, I move that the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, be taken into consideration.

If I depart from my usual practice and inflict on the House rather a long speech on a small Bill, and if I refer in considerable detail to some points which, I am afraid, are within the recollection of many Members

of this House, it is because the Bill is in itself both of administrative importance and because the question of the way the House deals with it may have important implications on matters far beyond its actual provisions

The history of the measure is well known. But I must restate it in some detail. The Bill involves the consideration of two sections of the Criminal Procedure Code. I will read the relevant passages here. The first section is section 109 which runs as follows

"Whenever a Presidency Magistrate, District Magistrate, Sub divisional Magistrate or a Magistrate of the First Class receives information

(a) that any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction and that there is reason to believe that such person is taking such precautions with a view to commit any offence, or

(b) that there is within such limits a person who has no ostensible means of subsistence or cannot give a satisfactory account of himself,

such Magistrate may in the manner hereinafter provided require such person to show cause why he should not be ordered to execute a bond with sureties for his good behaviour for such period not exceeding one year as the Magistrate thinks fit to fix."

Section 123 makes provision for imprisonment in default of security taken in virtue of the provisions of section 109, and I need only trouble the House by reading sub section (6) of that section which runs as follows

Imprisonment for failure to give security for good behaviour shall, where the proceedings have been taken under section 108 or section 109 be simple and, where the proceedings have been taken under section 110, be rigorous or simple as the Court or Magistrate in each case directs."

When the Criminal Procedure Code was under the consideration of this House in 1923, section 123 was amended to take away the discretion of the Court to inflict rigorous imprisonment with the result that under the existing law a sentence of simple imprisonment only can be imposed in default of security under section 109. That is how the matter stands. But, as the House knows, I brought in a Bill last September which included a clause which in fact is the substance of the actual Bill I am now seeking to secure consideration of. The House passed the remainder of the Bill in September but rejected the clause in question by a vote of 52 to 51, that is to say, by a majority of one. Now, Sir, that majority has at any rate disappeared, for it is perfectly clear that one at least of the Honourable Members who did not vote on the last occasion must vote with me on the present motion. I refer to my Honourable friend Maulvi Abdul Haye. He has by his Resolution on beggary made it quite clear that his views regarding vagrants and vagabonds are far more drastic than mine. He wanted legislation on the lines of the English Vagrancy Act. Now, I will tell the House what this Vagrancy Act says.

Under the Vagrancy Act of 1824 (section 3, I think it is), idle and disorderly persons who are defined to be people who refuse to work and maintain their family, pedlars trading without licenses, beggars in public places, persons in workhouses who refuse to perform their tasks and certain women who fail to maintain their children can all be dealt with and sentenced to one month's hard labour. There is no question of security, and, as I have said, it is hard labour. This is under section 3 of the Act. Under section 4, rogues and vagabonds, that is, persons who have been previously dealt with under the provisions of section 3 which I have just

read to the House, fortune tellers, people without any visible means of subsistence or unable to give a good account of themselves, people exposing indecent pictures, people who run away and leave their wives and children chargeable to the parish, suspected persons and reputed thieves and many others of this class can be dealt with and are liable on conviction to three months' hard labour

Incorrigible rogues are dealt with under section 5 of the Act. They are persons who have been dealt with previously under the provisions I have just read to the House. They are also persons escaping out of legal confinement, persons resisting apprehension and many others. They are very severely dealt with. The position of the incorrigible rogue must be most unpleasant, he can be sentenced to one year's hard labour and may also be whipped.

Subsequent Acts have extended these provisions to other classes, but I need not weary this House further. I have quoted these to prove my proposition that Maulvi Abdul Haye's way of dealing with incorrigible rogues is even more stringent than my own and certainly much more stringent than the existing law in India.

Now, since I last addressed this House I have obtained figures from Local Governments in regard to persons confined under this section, and they will be found in a long statement, statement No 3, in the White Paper which I have had circulated to the House and which I hope every Member has read. That White Paper contains very interesting information. I do not desire to go in great detail into the figures, but I may point out that 3,134 persons were in jail on the 1st of October for failure to furnish security under section 109. 1,113 of these were persons with previous convictions and 1,085 had previous convictions for offences including an element of theft. As regards these figures there seems to be some slight discrepancy and there ought to be a slight increase as the Punjab figure of 140 should obviously be added to 1,113 in order to arrive at the right figure. However, it is not essential to the success of my argument whether there are 1,200 or 1,300 of these gentlemen. In the United Provinces report, I notice that two persons had no less than 17 convictions for theft. I will take a leading instance from the correspondence with Madras of an incorrigible rogue—I think I am so justified in referring to him in view of his character. This man had six previous convictions for theft, he had been convicted four times under section 110 and had several other convictions. More than 33 per cent of the people in jail under this section had previous convictions for offences including an element of theft. Many of the persons now held under section 109 would, in England, have been liable to conviction under section 7 of the Prevention of Crimes Act and to a sentence of imprisonment with hard labour.

My Honourable friend, Mr Rangaswami Iyengar, in the last debate apparently wanted to know how we deal with European vagrants. Under the European Vagrancy Act, European vagrants would be sent to places where they are made to work and they could be removed from the country. Moreover under the amendment made by the Criminal Law Amendment Act of 1923 European British subjects can be dealt with under section 109 of the Code. It was one of the racial distinctions removed by the Racial Distinctions Act and I do not suppose there is any European Member in this House who would have the slightest objection to this provision.

Well, Sir, one of the points made against my Bill on the last occasion was that the section had only recently been amended and there was little to show that a further amendment was necessary. Now this is a cogent argument and I must meet it in detail. I must ask the indulgence of the House for a short time to enable me to put before it some extracts from the opinions of the various Local Governments. They are all before the House in the White Paper, but I will take a selection from the opinions. This is the opinion of the Government of Madras.

"Sections 109 and 123 (a)—The substitution of 'simple' for 'rigorous' imprisonment in sub section (a) of section 123 for failure to give security for good behaviour under the provisions of section 109 has provoked criticism as in some cases the persons bound over belong to a class of criminals for whom simple imprisonment is entirely unsuitable. The form of imprisonment to be awarded might well be left to the discretion of the Court as in the old section"

That is the considered opinion of the Government of Madras.

The Government of Bombay give their opinion as follows.

"The provision of section 123 limiting imprisonment under section 109 to simple has been noticed by several officers as providing an entirely inappropriate punishment for the majority of the persons concerned"

The Government of Bengal write as follows.

'Under this section as amended by Act XVIII of 1923, it is now obligatory on Magistrates to pass a sentence of simple imprisonment, where proceedings have been taken under section 109. Such a sentence is very lenient with regard to old offenders. Many persons dealt with under this section are habitual criminals and to confine them in company with persons undergoing simple imprisonment for minor offences is, on the one hand, no deterrent and there is, on the other hand, the danger of their exerting a bad influence on persons guilty of misdemeanours only with whom they would associate in Jail. His Excellency in Council is accordingly of opinion that imprisonment under this section in proceedings under section 109 should be simple or rigorous at the discretion of the Magistrate as under the old law, so that a professional criminal caught under suspicious circumstances may be given rigorous imprisonment, while a homeless vagabond may be sentenced to simple."

The United Provinces Government in their considered opinion write as follows.

There are certain other amendments in the Act which are adversely criticised by most of the District Magistrates. They are unanimous that the amendment in section 123 (a) substituting simple for rigorous imprisonment in default of security under section 109 makes that section ineffective. The Governor in Council feels no doubt that the amendment is most ill advised and robs the section of much of its utility. He considers that magistrates should be given discretion to award either rigorous or simple imprisonment under this section."

I will not quote the whole of the opinion of the Government of Burma as it is long, but I may say that they are strongly in favour of this Bill.

The Government of Bihar and Orissa write as follows.

"As to the working of the rest of the new Code, the following important features have been brought to the notice of the Local Government.

Several district officers are against the substitution of 'simple' for 'rigorous' imprisonment under sections 108 and 109, and recommended that the Court should be given discretion to impose simple or rigorous imprisonment. The Inspector General of Prisons has also referred in his annual report to the undesirability of having hardened criminals sitting idle in the jails."

The Government of the Central Provinces write as follows

"The punishment of simple imprisonment is usually confined to cases where the accused by reason of age or infirmity is unable to work, and it is also imposed in cases involving a lesser degree of moral turpitude, or where the offence is of a technical nature. It is undesirable in the opinion of His Excellency in Council that persons sentenced to simple imprisonment on these grounds should be herded with vagrants belonging to a low stratum of society and of filthy personal habits. To the latter, simple imprisonment means no imprisonment at all—it merely means free board and lodging at the expense of Government. His Excellency in Council is, therefore, of opinion that the section should be amended by restoring the discretion to make imprisonment rigorous or simple"

Now, these are the considered opinions of the Local Governments and this House cannot disregard them. I have so far dealt with the opinions of the Local Governments. Let us now look at the problem from another point of view, from the jail point of view. I will now give the House a few extracts from the Jails Reports.

Bombay writes as follows

"Many of these prisoners are habituals with several previous convictions and it is clearly wrong that such persons should be maintained for months or years in entire idleness at the public expense"

The United Provinces jail authorities write as follows

"The number of prisoners sentenced to simple imprisonment continues to increase, due to the fuller effect of the changes in the Criminal Procedure Code under which prisoners detained in jails under section 109, Criminal Procedure Code, are sentenced to simple imprisonment. A very undesirable burden has been thrown on the finances of the country, as these prisoners receive free food and do no work, and in addition some injury is inflicted on these vagrants, who are sent to jails to spend their whole sentence in idleness, as very few of them elect to labour. The presence of these idle prisoners in jails, as the Jails Committee pointed out, is bad for jail discipline"

The Bihar and Orissa jail authorities write as follows

"there were 95 prisoners in our jails on the 1st January 1924 who were undergoing simple imprisonment under section 109, Criminal Procedure Code, of whom 33 had previous convictions, some as many as seven times. Simple imprisonment has little to commend it at any time, to give it to habitual criminals of the worst type is distinctly dangerous. Being illiterate, and not of the type who will volunteer to work, it will be strange if they do not in many cases indulge in behaviour subversive of jail discipline, and also lay their plans for future crimes after release"

This is from their second Report

"The number of simple imprisonment prisoners in our jails is becoming quite an embarrassment, and at least one experienced Superintendent thinks a danger, and I agree with him"

The Central Provinces jail authorities write as follows

"As has been mentioned in the reports for previous years, this form of punishment works adversely on jail discipline. It is also unfair on the prisoners as a life of idleness in jail surroundings is bound to produce both moral and physical deterioration. Major Warwick gives the following description of the life of a prisoner in jail. He is fed and clothed at Government expense and he spends his day loafing on his cot or chatting to his fellow prisoners. Often dressed in private clothing, he wears an expression of superiority and independence over his fellow prisoners. It gives him great satisfaction to be able to tell the Superintendent that he does not intend to work. Although there have been no acts of insubordination amongst these prisoners, who on the whole have given little trouble, there is always a feeling that this class of men is out of place in a jail, where discipline is so closely associated with various tasks and forms of labour, and on which it is so dependent."

The United Provinces Criminal Justice Report for 1924 says

"The District Magistrate of Saharanpur writes 'At my recent inspection of the jail I found one man with thirteen previous convictions thoroughly enjoying simple imprisonment at Government expense. If our legislators had known the type of men proceeded against under this section, they would hardly have ruled out rigorous imprisonment in all cases' "

The Central Provinces Criminal Justice Report writes as follows

"The results of revision of the Code have not been entirely for the best. The prisoner is living at Government expense and being confirmed in habits of idleness. I cannot but feel that it was a mistake to take away the Magistrate's discretion to award the kind of imprisonment best suited to the circumstances of the particular case. Mr Findlay, the Deputy Commissioner, I believe, fully concurs in this opinion."

Now, Sir, these extracts which I have read to the House will show you that every executive Government in India every jail authority, everybody who is in touch with these prisoners, supports the view that I have put before the House. These Reports seem to me to make out an absolutely clear and convincing case. I want to remind the House that I am only asking that the magistrates should have discretion to pass a sentence of simple or rigorous imprisonment in these cases. I do not ask that the sentence should necessarily be rigorous imprisonment. I am quite prepared to give the magistrate the discretion. And here may I pause for a moment to read an extract from a letter I received this morning from a gentleman who was a magistrate, whom I do not know personally and who was not a member of any of the services. He writes

"Under the Indian Penal Code, Magistrates are given the option of sending a man to imprisonment or imposing a fine. Do Magistrates thereby send every accused person to imprisonment? Take the ordinary offence for criminal force and assault—sections 352 to 358 I P C. I think Magistrates very rarely send accused persons under these sections to undergo simple imprisonment. The accused person is only fined. The Magistrate exercises his option wisely. Why should he not exercise it wisely in these cases?"

That is what he writes. That is a view I must ask the House to consider.

Now, Sir Hari Singh Gour in his speech on the last debate purported to explain to the House why the change was made in 1923. I confess he did not, to my mind, succeed in doing so. The arguments he used are as appropriate to section 110 as they are to section 109. I agree with him that the amendment made in the case of section 108 by the substitution of simple imprisonment stood on quite a different footing, but the analogy between section 108 and section 109 is a false one. If you are going to draw analogies between these sections and if there is any argument to be deduced from those analogies, the analogy is between section 109 and section 110.

Now, Sir, if I did not think I had an amazingly strong case I should not have brought in a Bill at such short notice after the House even by a majority of one had rejected my proposal. But I do feel that I have an astonishingly strong case. I do feel that the facts I have read to the House cannot fail to impress Members on all Benches. I feel, moreover, that my action may be criticised in other quarters in this respect. It is often said by non-official Members of this House that they have no power, and that the administration proceeds like a steam roller regardless of arguments deaf to appeals and never modifies anything. What has been the result in this case? The single vote of one non-official Member has

for three months continued a state of affairs such as appears from the opinions I have read to the House, and that should be a very definite imposition of responsibility upon the Members of this House as to how they exercise their vote. The proposition I am bringing before you is supported by every executive Government in India. It is supported by all the jail authorities and it is brought before you with the full weight of the Governor General in Council. This House must really consider before it votes on proposals such as these, remembering as it must that a single vote on a question like this decides a matter which is of the greatest importance to the administration of the jails and to our criminal administration. I do hope the House will, in considering this Bill, bear that in mind throughout. Sir, I move. (Applause)

Khan Bahadur W M Hussanally (Sind Muhammadan Rural) I have listened to my Honourable friend Mr. Amar Nath Dutt with considerable attention. The Honourable the Home Member quoted from the opinion of a magistrate which he read to us a little while ago, and I, another magistrate, am here to lay before the House my experience of over twenty-five years as a magistrate. The class of people that are hauled up under this section 109 or section 110 are generally ruffians and dangerous characters, and, so far as my province is concerned, these people generally hide themselves in forests and jungles where they cannot be traced, much less can we get any evidence as to their antecedents. Such people are extremely dangerous in my part of the country and cattle lifting is so rife in my province that your Criminal Procedure Code and Indian Penal Code have failed so far to stop it so much so that the Government of Bombay have recently appointed a Committee which is sitting at the present moment to devise further means to stop cattle lifting in my province. This is the class of people that we get under these two sections 109 and 110. So far as section 110 is concerned, we may be able to get some evidence against them, but so far as section 109 is concerned, it is very difficult to find out the antecedents and means of subsistence of these people at all. My Honourable friend, Mr. Dutt, said that we, who are here, will also be said to have no means of subsistence, and my Honourable friend, Mr. Joshi, exclaimed that we are getting Rs. 20 a day, so that the argument put forward by my Honourable friend Mr. Dutt is, he will pardon my saying so, puerile. It is easy to find out whether a man has any means of living, whether he has got any occupation or not, and yet the class of people that we generally get, who go about the country, are almost beggars and they have nothing to live upon. Their profession is theft and particularly cattle lifting, in my province. To commit these men to jail and make them stay there and enjoy themselves is certainly against all canons of propriety and is an

section 121-A and similar other sections from the operation of this section 109

Mr A Rangaswami Iyengar (Tanjore *cum* Trichinopoly Non-Muham-
madan Rural) You do not understand it at all

Mr Amar Nath Dutt As a magistrate he will not understand

Khan Bahadur W M Hussanally I will go to Mr Rangaswami Iyengar for him to explain to me what Mr Amar Nath Dutt meant I am laying before the House my view as I understand Mr Amar Nath Dutt's argument I can understand very well no action being taken under this section against people engaged in political work They could be excluded from the operation of the section That would be a perfectly legitimate thing to do Surely, I for one will oppose any person being condemned under section 109 if he is hauled up only for his political doings But for that purpose to prevent magistrates from using their discretion to give a condemned man simple or rigorous imprisonment is certainly wrong The first duty that is imposed upon us is to look to the well-being of society and its safety, and to secure that, we must take all precautions possible It is not the interests of individuals that we have to take into consideration first The first duty cast upon us is to take the safety of the populace into our consideration and for that purpose we are bound to take all steps in our power to secure that end The interests of individuals are quite a secondary thing altogether I have therefore great pleasure in supporting the motion brought forward by the Honourable the Home Member

Sir Hari Singh Gour (Central Provinces Hindi Divisions Non-Muham-
madan) I must confess that I have been greatly impressed by the speech of the Honourable the Home Member but unfortunately he has not replied to the two objections I raised to his measure in September last These were first that a preventive action should not be converted into a punitive action and, secondly, what safeguards have you provided against the abuse of this section, as it has led to glaring abuse in that political prisoners were incarcerated under the provisions of this section 109 The Honourable the Home Member has quoted the opinions of the Local Governments and the Inspectors General of Prisons I have the very greatest respect for both of them but I should have expected the Honourable the Home Member to ask two questions of these Local Governments and Inspectors General of Prisons He should have said that this Bill has been thrown out by the Legislative Assembly because an allegation has been made against the magistracy in India and particularly against the magistracy in Nagpur that flag agitators numbering not dozens but hundreds were incarcerated under the provisions of section 109 Is this right or is this wrong? If it was wrong, what action have you taken against those who were responsible for imprisoning these people under the provisions of section 109? What action have you taken against the Government that has prostituted the use of this section? It is against that that this House entered its emphatic protest and I should have expected the Honourable the Home Member to come here, at any rate, and assure this House that whatever may have happened in the past, the Government should be placed upon a *locus penitentiae* and this section will no longer be used in the future as it has been in the past for imprisoning persons who certainly never came within the widest four corners of that section I ask

the Honourable the Home Member does he justify the action of the Local Government? Does he justify the action of the local magistracy, which tolerated the abuse of this section, not in individual cases but in cases after cases after a solemn protest and warning was given to the Government by the Local Bar Association that this section was being abused in the name of the law? What action did the Local Government take? The Honourable the Home Member knows all the facts. The Governor of the provinces came to consult him. What advice did he give him on the gross abuse of section 109 of the Criminal Procedure Code?

The Honourable Sir Alexander Muddiman Who was the Governor?

Sir Hari Singh Gour Sir Frank Sly What action, I submit, did the Home Member take against, as I have said, the gross abuse of this section 109 and what guarantee, Sir, are you prepared to give to this House that this section will not be abused in future as it has been in the past? If such an assurance is forthcoming, be sure we are not here to obstruct the Government, we are here to support them so far as we are able to support them reasonably. I submit, Sir, that what is passing through my mind is that in a case of political disturbance and unrest in the future there may be a recurrence of this glaring abuse and it is to safeguard against that contingency that many of my friends are reluctant to vote for this measure. I would like to have a statement from the Honourable the Home Member on that subject.

My next submission is, I have not the slightest doubt that in normal times this section is reserved for rogues and vagabonds and I do not agree with my friend the Honourable Mr Chaman Lall that the proper place for these rogues and vagabonds is a workhouse. They do not want work, they are thieves. Well, so far as these people are concerned this section I submit, has never been abused, in normal cases the section has never been abused, it is only in cases of political unrest and on sporadic occasions when the Local Government loses its head and inspires the magistracy to convict these people under section 109, that the local magistracy feel justified and convictions by dozens are had every day. It is, I submit, against the abuse of that section that we require an assurance. Well, Sir the Honourable the Home Member has told us nothing as to what the view of the Local Government is on this very important question which was brought to his notice. He has said nothing at all as to what action he himself, possessing the power as he does of supervision direction and control, took in the interests of public liberty against the erratic action of a Local Government and a local magistracy in imprisoning people by dozens.

Mr President Order, order. The Honourable Member is repeating the same argument over and over again. I must warn the Honourable Member against such repetition.

Sir Hari Singh Gour I do not quite remember how many times I repeated it but it seems that I have been repeating it from September last, and have not had a reply yet. I await the reply.

Mr President The Honourable Member is not justified in using the same argument again and again in the same speech.

Colonel Sir Henry Stanyon (United Provinces European) Sir, as pointed out by the Honourable the Home Member when this motion was before

the House is part of another Bill on the 11th September last, the evidence which has now been placed in the hands of Honourable Members was not available. The Statement of Objects and Reasons in the former Bill set out as a ground for this measure that most of the persons against whom proceedings are taken under section 109 are persons for whom simple imprisonment is quite unsuitable. We are tied by section 36 of the Prisons Act. Simple imprisonment means imprisonment without any work whatever which the prisoner does not wish to do. Unfortunately we have not in legal phraseology any division of rigorous imprisonment into various divisions—Divisions 1, 2 and 3 as imprisonment with hard labour is divided in England. But in jail practice I think it is well known (*An Honourable Member* "That politicians are ill treated") that work is suited to the criminality and to the physical ability of the prisoner.

Mr Bipin Chandra Pal (Calcutta Non Muhammadan Urban) Not always. (Laughter)

Colonel Sir Henry Stanyon I am pointing out how the High Court looks at these things

He goes on to say

"Section 110 is a most necessary section in our Code of Criminal Procedure, but it is essentially a preventive section and is designed to make people keep within the bounds of law by providing sureties when it is evident that they are people of criminal tendency. A failure to provide sureties involves imprisonment. As section 110 is preventive rather than punitive,"

I do not know whether my friend Sir Hari Singh Gour has seen this case

'it would appear that in ordinary cases the imprisonment should be simple, and indeed under section 123, sub section 6, the Magistrate in each case has to exercise his discretion and decide whether on the facts of each case the imprisonment should be simple or rigorous. I have made these observations on this section because I think there may be cases in which it would be sufficient to restrain a man by keeping him in prison and ordering such imprisonment to be simple. In the present case, however, as I have said above, I think the Magistrate's order was proper and the application for revision is rejected."

Now, Sir, I do not say that the Allahabad High Court, or the Chief Justice of the Allahabad High Court stands alone in this supervision, this protection of the rights and liberties of the subject. Are not all the High Courts to be trusted to do the same thing? That is the question here. Some of the arguments which have been advanced might almost suggest to one who did not know any better that the question before the House was whether under section 109 imprisonment, on failure to provide securities, should be rigorous or simple. It is nothing of the kind. The question is whether or not a magistrate dealing with a case under section 109 should have discretion. The Legislature does not say that in cases under section 110 the imprisonment must be rigorous. Why then should the Legislature say that in cases under section 109 the imprisonment must be simple? That is what the Legislature says at present, and that is the error which the Bill before the House seeks to correct. If only one per cent of the cases dealt with under section 109 were cases of previous convicts, it would be sufficient to justify a discretion being left with our courts. But, from the figures which have been given to us, we find that, out of 3,134 people who were in Indian jails on the 1st October 1925, no less than 1,085, or if we add the Punjab 140 *plus* that figure, had standing against them convictions including an element of theft. Now it might short-sightedly be argued, if these people were previous convicts or if they were habitual thieves, why did you not deal with them under section 110? The answer is obvious. A man is proceeded against because he has no ostensible means of livelihood, but nothing else is known against him. He may have half a dozen aliases, he may have changed his name. He is proceeded against under section 109 because nothing more is known about him. He is called upon to give security and in default sent to prison. His antecedents are then discovered and it is found from finger prints and otherwise, that he has anything from one to 13 convictions for theft standing against him. Now will any Member of the House say that a man of that kind should be given what is at present in India simple imprisonment, that is imprisonment without work? Surely the fact that over 30 per cent of people have been found to be previous convicts or were previous convicts of those that were in jail on the 1st October, only shows how correct was the estimate which the authorities arresting and the courts sending them to jail had of their real characters. If a magistrate has no discretion in this matter, the whole administration is paralysed in

dealing with people of this class. It is very difficult to find out the antecedents of a man who has changed his name and who is trying to hide himself and who has no ostensible means of livelihood. Extreme cases were put forward of the poor unfortunate man who has no means of livelihood because fortune has gone against him, who is simply hard up and who is run in. Surely the magistrate, under the supervision of the High Court, must be trusted to distinguish such cases from the cases of the obvious potential criminal who is before him, and to award simple imprisonment in cases where rigorous imprisonment is not called for? It is a matter for trusting the judiciary. A Legislature which does not give a reasonable amount of trust to its judiciary can never hope to succeed. I say that, by accepting this Bill, all this House will secure will be to give a reasonable discretion to the magistrates, and it will prevent a large number of the people who are the diers of society being, as they now are, the *elite* of the jail communities.

Diwan Bahadur T. Rangachariar (Madras City Non-Muhammadan Urban) Sir, the Honourable the Home Member has made a responsible appeal to us with all the earnestness and sincerity which we always associate with him, and I felt it my duty to examine the materials which he has placed before us in asking us to revise the decision that we have twice given on this subject. The Honourable the Home Member, if he had examined the materials placed before him in that judicial frame of mind which I expect he should show on an occasion of this sort, would have found that the conclusion he should have come to lies in a different direction to the one which he has adopted. I have examined those materials and wish to draw his attention to the gross defects which apparently exist in the administration of section 109 of the Criminal Procedure Code. May I draw his attention to the remarks made by different Governments and other people, for instance at page 1 of this White paper. I find this statement made by the Government of Bengal

"Many persons dealt with under this section are habitual criminals."

I find also at page 3 an extract from the Government Jail Report

"Many of these prisoners are habituals with several previous convictions", and at page 4 also—that is from the Bihar and Orissa Jail Report

"Simple imprisonment has little to commend it at any time, to give it to habitual criminals of the worst type is distinctly dangerous."

I find also at page 6

"On my recent inspection of the jail I found one man with 13 previous convictions thoroughly enjoying simple imprisonment at Government expense."

Note 13 previous convictions! And I find also in another place at page 4

"There were 95 prisoners in our jails on the 1st January 1924 who were undergoing simple imprisonment under section 109 of whom 33 had previous convictions, some of them as many as 7 times."

Did it strike the Honourable the Home Member that there is something wrong with his magistracy and police? Is this the proper section to apply to cases where you have to deal with habitual criminal offenders? I think Sir, section 110 may stand repealed if section 109 is to be used against habitual offenders. If Honourable Members have the Criminal Procedure Code before them they will find that for this serious class of cases of habitual offenders section 110 provides a more serious procedure.

INDIA'S PARLIAMENT

[PART I

It calls upon them to show why they should not give security for a period not exceeding three years, and section 123 provides that in case of failure of security they may be given rigorous imprisonment. And who are the class of people so dealt with? Any person who is

'by habit a robber, house breaker, thief or forger, who is by habit a receiver of stolen property knowing the same to have been stolen, who habitually protects or harbours thieves or aids in the concealment or disposal of stolen property, or habitually commits or attempts to commit or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, etc., etc., or who habitually commits or attempts to commit, or abets the commission of, offences involving a breach of the peace or is so desperate and dangerous as to render his being at large without security hazardous to the community.'

Sir, that is the class of persons for whom a more serious procedure is provided. May I ask if it is right to deal with persons who have had 7 previous convictions, habitual criminals of the worst type—that is the language used on which my Honourable friend has relied in support of his motion to day, is it right to apply section 109 at all to such people? I am not now complaining of the use of section 109 in the case of political offenders. I complain, Sir, that there is something in the administration of criminal justice vitally wrong if the Home Department do not take notice of this grave abuse of section 109 for habitual offenders.

The Honourable Sir Alexander Muddiman Why?

Diwan Bahadur T Rangachariar For section 109 deals with the case of a person who within such limits takes precautions to conceal his presence or there is reason to believe that such person is taking such precautions with a view to committing any offence or within such limits of a person who has no ostensible means of subsistence or who cannot give a satisfactory account of himself. When you have a different class of people dealt with in this section 109, and when you have a separate section for habitual offenders, how you can justify the use of section 109 against the latter I fail to see. Either he is by habit a robber or thief or one of those offenders referred to in section 110, or he is not. If he is, what is the use of these executive people complaining that simple imprisonment is not an adequate punishment for such habitual criminals of the worst type. I agree with, I endorse every word of what they say in regard to these habitual criminals. But what is the remedy? The obvious remedy is for the District Magistrate and the Home Department to issue instructions to the magistracy and the police to deal with people like that under the proper section of the Code. Sir, the United Provinces Government say

'If our legislators had known the type of men proceeded against under this section they would hardly have ruled out rigorous imprisonment in these cases'

Sir may I, adopting their remark, say that if our magistracy and if our police and if our Home Department knew their duty they would have known that the type of men they describe should not be proceeded against under section 109, if they had proceeded under the proper section they would not have complained against the Legislatures. Sir, I am glad to note that the Bombay Government have taken the right remedy in this matter. What do they say? Having said that many of these prisoners are habitual offenders with several previous convictions, they say

It is clearly wrong, that such persons should be maintained for months or years''

What ignorance of law by the way, because you cannot deal with a person under section 109 for years, in fact for not more than one year, he cannot be called upon to give security for more than a year

The Honourable Sir Alexander Muddiman He can be called upon to give security twice or more

Diwan Bahadur T Rangachariar That is not the proper procedure I take it However, having mentioned that, what do they say?

"It is suggested that instructions might be issued to the police that wherever possible prisoners should be charged under section 110 instead of section 109"

That is the proper remedy to adopt I endorse the view that habitual criminals should not be dealt with under this simple imprisonment section, specially certain habitual criminals of the worst type May I ask the Honourable the Home Member to adopt the obvious remedy which lies in his hand of issuing strict instructions so that the provisions of the Criminal Procedure Code may be more carefully read and applied and not misapplied Sir, we have a suspicion that these sections are used for political offenders and we have it in the Central Provinces and Berar Criminal Justice Administration Report for 1924 What does it say?

"The previous year's figures were particularly inflated by the Flag Agitation in Nagpur and the fall is the natural result of a more calm political atmosphere"

So, whenever you have got a calm political atmosphere, the figures go low If you have a slightly agitated political atmosphere the figures rise I do not know if my Honourable friend Sir Henry Stanyon has noticed it, but these gentlemen who speak in these reports have a deep-rooted aversion to simple imprisonment as such Did my Honourable friend read the remarks of these executive officers who have got that view? Here are two or three extracts which I will read

"Simple imprisonment is of little value from a penal point of view"

That is what the Bihar and Orissa Jails authority says Another man says

"As has been mentioned in the report for previous years, this form of punishment (*that is, simple imprisonment*) works adversely on jail discipline"

And long before we made the amendment, this is what the Central Provinces and Berar Jails authority says

"I have already commented—(*this was written in 1924 and we passed our amendment only in 1923*)—upon the unsuitability of such sentences (*namely, simple imprisonment*) in my previous annual reports, and it is unnecessary to say anything now"

So, Sir, the mentality of the persons who write these reports is quite different from the mentality of legislators Legislators have to look at it from the broad point of view of civilising influence Here the executive look at it from the broad point of view of executive highhandedness and of maintaining terror and discipline If left to them, what will they do? They will abolish simple imprisonment *en bloc* for any offence, whether it be for defamation or for anything else "Simple imprisonment is unsuited to jail discipline in this country This form of punishment works adversely on jail discipline" So with this horror of simple imprisonment these authorities make these reports

There is one sentence to which I may call the Honourable the Home Member's attention Apparently some of these reports were made on a

general requisition from the Home Department, Judicial, dated 31st August, 1923, inquiring how the new amendments of the Criminal Procedure Code were working I may be mistaken but this is what the Government of Bombay says

"With reference to your letter, No F 2623 Judicial, dated the 31st August, 1923, I am directed by the Governor in Council to state for the information of the Government of India that the amended Code of Criminal Procedure has not been in operation long enough to enable any decided opinion to be given on its actual working Minor defects have been brought to notice"

—and this is one of those minor defects!—

"The provisions of section 123 limiting imprisonment under section 109 to simple imprisonment has been noticed by several officers"

—within a few months, mind you, this letter asking for information goes in August, 1923, and writing on the 5th February, 1925, this is what the Government of Bombay says

"as providing entirely inappropriate punishment for the majority of the persons concerned"

May I say that we have not tried this change long enough to attempt to mend it now? Sir, we are familiar in courts that there can be no application for a review of a review This motion before the House is really in the nature of an application for a review of a review Has this Legislature not deliberately come to a conclusion twice on the matter? Sir, we know what sort of persons should be dealt with under section 109 If the magistracy and the police deal with other classes of persons who should have been dealt with under section 110, we cannot help that Let them apply the proper section and then they will have the right remedy There is no use complaining and trying to mislead a lay House and saying "Habitual criminals of the worst type have been dealt with under section 109" That is your fault and not our fault Your fault was in dealing with these persons under section 109 instead of section 110, and then to come forward and make quotations from these reports saying that this is not an adequate form of punishment for such persons—we agree—but the fault lies with you and not with the Legislature

Sir, I therefore say that no case has been made out on the materials placed before us This is the paper on which the Honourable the Home Member has asked us to revise our decision I would be the first to revise my decision if I was really satisfied that there was a case for revision I entirely agree with the remarks made that habitual criminals should not be let off with simple imprisonment But, Sir, apply the proper section and you will not have reason to complain

My Honourable friend, Sir Henry Stanyon, referred to cases where it was discovered after the persons were sent to jail that they had been previously convicted Sir, how is the magistrate to have the prescience to know that they had been previously convicted, if the police themselves did not know it? Does my Honourable friend expect the magistrates to give rigorous imprisonment on the offchance that they may have been previously convicted? Either the police knew their duty or they did not If they did not know this man had previous convictions, it is their fault We cannot help them Employ better policemen who know their business We pay them money and we expect them to apply the proper section We expect them to collect the materials and place them before the magistrate On the offchance that a man may have been previously convicted, to give a

discretion to these magistrates is a dangerous thing My Honourable friend says "After all we are only giving a discretion to magistrates" Sir, who are the magistrates? May I read just one passage?

Khan Bahadur W M Hussanally Is previous conviction evidence under section 110?

Diwan Bahadur T Rangachariar Most certainly I am surprised at my Honourable friend, a retired magistrate, putting me that question Sir, what does it say? May I draw my Honourable friend's attention to what the Magistrate of Benares says on page 6? He says that he and his sub-divisional officers consider—and these are the persons to be entrusted with the discretion—that from the executive point of view the curtailment of their discretion to award rigorous imprisonment is unfortunate Are we to entrust these unfortunate magistrates who now suffer under the combined executive and judicial functions in their hands, who have their executive bias now, with this discretion? Sir, the Legislature has done wisely in taking away the discretion from these sub-divisional magistrates By all means bring these people under really strictly judicial officers Separate the executive and judicial functions I am willing to entrust them with any amount of discretion But so long as the present system continues of combining executive and judicial functions, the sub-divisional magistrates will complain that their executive discretion has been taken away Sir, it will be dangerous on the part of the Legislature to entrust them with this discretion, and I appeal to the House to reject this motion

Mr H Tonkinson (Home Department Nominated Official) Sir, even at this late stage I propose to apply the test given by my Honourable friend, Diwan Bahadur Rangachariar, and to appeal to him for his vote

Mr M A Jinnah Too late

Mr H Tonkinson He says that section 109 has been an entirely incorrect section to use against a habitual criminal of the worst type Well, Sir let us take a case Suppose you have a man who has been sentenced to imprisonment for theft four, five or six times and then in certain circumstances, which I will refer to later, he is proceeded against once more My Honourable friend says that man is a habitual criminal, and he should be dealt with under section 110 Well, Sir, speaking as a District Magistrate who in time gone by has had to deal with many appeals of persons ordered to furnish security under these sections,—I would inform my Honourable friend that I would have admitted the appeal and released the prisoner who was merely proceeded against under section 110 on account of previous convictions Suppose the circumstances are as follows He is found taking precautions—I am reading from section 55

"to conceal his presence within the limits of such station, under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognisable offence"

Under that section, Sir, an officer in charge of a police station is empowered to arrest that man He arrests him He finds that he has had previous convictions He is possibly in possession of house-breaking implements provided for in another section, section 54 The section under which it was intended that he should be proceeded against is 109 You have got here a habitual offender You cannot at once prove, at the time of

proceeding against him, that he is actually obtaining his livelihood by thieving. You have definite evidence under section 109, clause (a), and you proceed against him under that provision. Sir, you have here therefore a definite case of a habitual offender of the worst type who certainly should be proceeded against under section 109, a person who was intended to be proceeded against under section 109. I therefore appeal, Sir, to my Honourable friend the Deputy President for his vote.

Lala Lajpat Rai (Jullundur Division Non-Muhammadan) Sir, I listened to the speech of the Honourable the Home Member with great attention and since then I have gone through the White Book which he has so kindly placed at our disposal. I find from the White Book that the opinions quoted there are mainly based on two or three grounds. The first and the most important is that many habitual offenders have been dealt with under section 109 and that it is inexpedient and improper that they should have been awarded simple imprisonment. That part of the Government case has been demolished by my Honourable friend Diwan Bahadur T. Rangachariar, and I should have thought that after his weighty argument and after his almost conclusive speech on the point the Government would have accepted what he said. But I am afraid, just as the Local Governments have complained of hardened criminals being sentenced under section 109 to simple imprisonment, so the Government Members who are hardened executive officers have given ground for complaint that they want more and more power to suit their purposes. Arguments therefore do not appeal to them. I do not want to repeat the arguments advanced by my Honourable friend Mr. Rangachariar, but I consider them to be very very cogent. Section 110 of the Criminal Procedure Code is so exhaustive that one cannot believe that any cases of habitual offenders or of persons having previous convictions against them could possibly be brought under section 109. But assuming that there are some such cases as cannot be brought under section 110 and must be brought under section 109, then the remedy for that state of things is different. It is not the remedy which my Honourable friend is seeking. The remedy lies in the enactment of another clause providing for cases in which the persons brought before the magistrate have previous convictions against them or are habitual offenders. Under the section as it stands I submit he has not made out a case for the change he proposes.

The second argument used, Sir, in the opinion recorded in this White Paper are considerations of jails discipline. I want to ask this House if the law is going to be changed in the interests of justice and order or to help the jail administration in maintaining their discipline. I submit it would be a travesty of justice altogether to go in for a proceeding of that kind, but that is the practical consideration which is prominently kept in view in most of the opinions recorded in this White Book. Sir, you will find officer after officer saying that the presence of simple imprisonment prisoners has a very bad effect on jail discipline, on other prisoners who are there. You will find that in the different opinions quoted, particularly in the extracts given from jail reports, no other argument is advanced except that of discipline. In my judgment the whole of this White Paper makes out a case for a reform of jail administration rather than for a change in the direction of providing rigorous imprisonment for persons proceeded against under section 109 of the Criminal Procedure Code. The very fact that very many hardened criminals and persons with a large number of previous convictions were sentenced to imprisonment

under section 109 shows that all these previous sentences had had absolutely no effect on their morale and that their residence in jail had not reformed them, which shows that there is something radically wrong with the administration of jails in this country. It all depends on the point of view from which the jail administration is looked at. I am afraid the jail administration in this country proceeds more on the basis of giving deterrent punishment rather than with the object of reform. If the jail administration had been based, and if it were conducted on the principle of effecting reform in the persons sent to jail, you would not have that complaint here to-day that prisoners who had several previous convictions against them were found guilty of such a life as would bring them under section 109 of the Criminal Procedure Code. I submit it is most anomalous that the preventive sections of the Criminal Procedure Code should not be used for the purpose of punishment,* for punitive purposes. It cannot be allowed in any country. The whole trouble is that several of these officers who have given these opinions do not like simple imprisonment. Simple imprisonment they say, spoils jail discipline. The remedy then is to abolish simple imprisonment and substitute for it some other kinds of punishment other than imprisonment with hard labour such as are resorted to in other countries where jail discipline does not suffer on account of such substitutes. From the very nature of things most of these persons who are sentenced to simple imprisonment in default of furnishing security for good behaviour under this section must be poor and without any ostensible means of living. That fact alone should prevent this House from making the change which the Honourable the Home Member wants this House to make because I can say from my personal experience, from observation in jail where I was for 20 months, that the poor people have the hardest possible life in the jails. It is this class which will suffer harder if they are sentenced under this section to rigorous imprisonment. As my friend Pandit Shamlal Nehru pointed out, they will be the people who will have to work for others who have money to get themselves excused from hard labour. It will be extremely risky, Sir, to allow the magistrates a discretion of the kind the Honourable the Home Member desires to give them. The jail administration of this country is very very defective. The only preventive section under which it may be proper to award rigorous imprisonment in default of security is section 110 and that deals with hardened criminals. It is so exhaustive, as I have already pointed out, that it is difficult to imagine that there can be any case which remains outside the scope of that section to be brought under section 109. Sir, I want to repeat that it will be very unjust, very anomalous, very unfair to change this law in order to help the jail administration and suit the convenience of those jail superintendents who find it difficult to provide for prisoners sentenced to simple imprisonment in a suitable manner. One of the Local Governments has suggested the proper remedy and that is the Local Government of the Central Provinces against whom so much has been said. They begin by saying in the last sentence of their report on page 3 of the White Paper that in their opinion the section should be amended by restoring the discretion to award imprisonment rigorous or simple, "otherwise special wards will be required for the segregation of persons imprisoned under section 109 of the Criminal Procedure Code." That is what they say, but it is not a special ward for persons sentenced under section 109, but a special ward for persons sentenced to simple imprisonment that is wanted. That is the proper remedy which ought to be adopted by Government because most of the opinions relied on by him record a complaint that simple imprisonment interferes very much with jail

discipline On page 4 in the extract from the United Provinces Jail Report, it is stated

"The presence of these idle prisoners in jails, as the Jails Committee pointed out, is bad for jail discipline"

The Jail Committee, Sir, made its report in 1920 There has been no Jail Committee since then, and therefore the objection is not to the new law, but to the existence of simple imprisonment as a form of punishment That opinion therefore carries no weight so far as the effect of the new law is concerned The next extract is taken from the Bihar and Orissa Jail Report where it is said

"Simple imprisonment is of little value from a penal point of view, and the recent change in the Criminal Procedure Code by which only simple imprisonment can be awarded under section 109 will, I fear, increase the difficulties of jail administration"

That is practically the main consideration present to the Jail authorities The Report adds

"Simple imprisonment has little to commend it at any time, to give it to habitual criminals of the worst type is distinctly dangerous"

If so, make a special provision for such cases Why make a general provision that everybody who is proceeded against under section 109 is liable to rigorous imprisonment at the sweet will of the magistrate? Another extract says that these persons in many cases "indulge in behaviour subversive of jail discipline" There every one harps on jail discipline There is no question of justice, fairness nor of the interests and safety of society The only question before these officers is one of jail discipline Let us take another extract from the Bihar and Orissa Jail Report

"The number of simple imprisonment prisoners in our jails is becoming quite an embarrassment, and at least one experienced Superintendent thinks it a danger and I agree with him"

Now, Sir, may I ask if these are the grounds upon which a change in the present law can be asked for by the Government simply because the Superintendents of Jails find that the presence of simple imprisonment prisoners in jails is subversive of discipline and that they are a danger according to one at least of the Jail Superintendents of Bihar and Orissa

You will again find the same thing in the extract from the Central Provinces Jail Report It is given on page 5

As has been mentioned in the reports for previous years,—not after this law was passed,—this form of punishment works adversely on jail discipline"

That is the principle before them The writer of the Central Provinces and Berar Report adds

"It gives him, i.e., the simple imprisonment prisoner, great satisfaction to be able to tell the Superintendent that he does not intend to work"

It offends the Superintendent's dignity and his sense of discipline The Superintendent does not like the idea that any man who has been sentenced to imprisonment should have what he, the Superintendent, considers a happy go lucky life Other portions of these Reports have already been read to you I submit that the complaint that habitual offenders have been sentenced to imprisonment under section 109 and that this kind of punishment is subversive of jail discipline are absolutely insufficient grounds

on which to ask for a change in the law. They are not only insufficient, but I think they are dangerous grounds on which to change the law as proposed. My Honourable friends have shown what a political danger there is in such a course. The case of Nagpur has been quoted so often that it need not be repeated. I was just informed by my Honourable friend Dr. Lohokare of a case where people guilty of picketting had been sentenced to imprisonment under section 109 of the Criminal Procedure Code. So you will see Nagpur does not stand alone, there are other places where this section has been misused. My friend Mr. Bipin Chandra Pal said if he could be assured that this section would not be used for political purposes, he would be ready to consider the proposed change on its merits. I consider that even regardless of political considerations in the general interests of society, it would be absolutely unjust to change the law as is proposed. Section 109 is a purely preventive section and provides for cases which do not come either under section 107 or section 108, and 110. It gives an extra latitude to the police to use their preventive methods for the purpose of preventing people who have no ostensible means of livelihood from lurking about. I submit such a section does not require a provision for rigorous imprisonment. My friend Pandit Shamlal Nehru has given some cases in which this section was misused. I can tell you from my own experience that many times the police have used this section not only for political purposes but also for spreading terror. Under this section they arrest and detain many persons against whom they have a grudge to satisfy, but against whom they cannot proceed under any other section. Knowing as we do that the section is so abused, it would be very dangerous in our opinion to provide that people who are arrested on the merest suspicion, and who cannot at a particular moment give account of themselves which would satisfy the police or who cannot show that they have some means of livelihood should be asked to give security, and if they fail to give security, should be sentenced to a term of rigorous imprisonment for one year. I submit that is not what is required. There have been many cases in my experience where the section was used to get hold of a supposed criminal in order to fish out evidence against him. The idea was that if there was evidence he would be charged, otherwise discharged. This section, Sir, is being used for several miscellaneous purposes. It is a very useful and handy weapon. My learned friends on the other side base their case on reports, but we know how in actual life these sections are worked by the police and the magistracy. I do not want to make any reflections on the magistracy as a class, but here in this House and in this debate we have had two instances of Honourable Members who did not know what the law was although they had been magistrates for several years in their own jurisdictions. The law may be changed when on the evidence of several years' working it is found inadequate or defective, but we have the testimony of the Bombay Government that the law has not been sufficiently long in force to enable them to give a sound judgment as to whether it had failed or succeeded. The opinions of executive officers are always in favour of making the law more stringent. They look only to their difficulties and not to the rights and liberties of the subject. I submit that those opinions should not carry much weight. We cannot be persuaded to change the law at the mere whim of the executive. We should see for ourselves whether any case has been made out in the general interests of society. The law has only been in force for a short time and the experience of that time certainly does not justify the change proposed. On the contrary,

would be extremely dangerous to accept the principle underlying the present Bill. I therefore oppose the motion.

***Mr M A Jinnah** (Bombay City Muhammadan Urban) Sir, the only reason I have got up to speak is that I thought the Honourable the Home Member might rebuke me, as he did on another occasion, for not taking part in this debate. When this matter was discussed in this House in September I did not take part nor did I vote one way or the other. I remained perfectly neutral when the division was taken last September and the Home Member's Bill was defeated. He has appealed to us to-day that this is an important matter and therefore we must give it careful consideration. Now, Sir, I should have thought that the Honourable the Home Member would have waited a little longer and not taken the advantage which the Government enjoy under the procedure of this House, namely, that any Bill which has been rejected—of course this was not rejected because the Home Member refused to move the consideration of the Bill.

The Honourable Sir Alexander Muddiman I moved the Bill leaving out this clause

Mr A Rangaswami Iyengar And then brought in a separate Bill

Mr M A Jinnah And now we have got this separate Bill. My point is that ordinarily what happens is this, that when a Bill or a Resolution is rejected, you cannot bring it up for a year. But the Honourable the Home Member, instead of waiting for some time and then coming to this House and making out a strong case for the present Bill, has taken the earliest opportunity to bring this very clause again in the shape of another Bill before this House. Well, now, Sir, what is the justification? As far as the Bombay Government are concerned, it has already been pointed out that the Bombay Government say this, that the provisions of section 123 limiting the imprisonment under section 109 to simple imprisonment have been noticed by several officers to provide an entirely inappropriate punishment for the majority of persons concerned. Now the House will note the words "for the majority of the persons concerned." But we have a very illuminating statement from the Bombay Jails Report and that statement says this

"The number of prisoners sentenced to simple imprisonment was 1,177 as compared with 1,021 in the previous year. The increase is mainly due to the amendment of the Criminal Procedure Code prohibiting the award of rigorous imprisonment to persons in default of giving security under section 109 of the Criminal Procedure Code. Many of these prisoners are habituals"—

that is to say, the additional number, the difference between 1,021 and 1,177—

"Many of these prisoners are habituals with several previous convictions and it is clearly wrong that such persons should be maintained for months or years in entire idleness at the public expense."

Now the remedy for that is suggested by this very opinion which I am reading

"It is suggested that instructions might be issued to the police that wherever possible prisoners should be charged under section 110 instead of under section 109. They can then be sentenced to rigorous imprisonment if they fail to produce security."

*Speech not corrected by the Honourable Member

The Bombay authorities therefore observe that the remedy is in the hands of the executive. Now, the Honourable Mr Tonkinson said that section 109 is intended for and it is the only section under which you can bring habituals.

Mr H Tonkinson That is not what I said at all.

Mr M A Jinnah I am quite willing that the Honourable Mr Tonkinson should make a statement as to what he meant. He clearly conveyed this idea that section 109 is the only section under which you can bring habituals, and that is how I understood him.

Mr H. Tonkinson The statement that I made was that in certain cases certain habituals can only be proceeded against under section 109, at a particular time they cannot be proceeded against under section 110. That is an entirely different statement.

Mr M A Jinnah Well, if that is his statement, all I can say is it is as vague as it is irrelevant. What are those certain cases, will the Honourable Member say? What are the circumstances, what are the cases? It is all very well, Sir, to say certain cases under certain circumstances could not be proceeded against under section 110 but must be brought under section 109. Which case is that? I can quite understand if Mr Tonkinson had said that the clear distinction between section 109 and section 110 is this, that section 110 deals with certain specified offences which are mentioned therein. They are all specified and what is more, another additional condition is laid down under section 110, that that person who can be prosecuted for any of those offences which are mentioned in section 110 (a), (b), (c), (d) and so on, must be within the local limits of the magistrate's jurisdiction, but section 109 disregards the question whether that person was within the local limits of that magistrate or not. The person may have come entirely from outside, absolutely from outside, but if he enters the jurisdiction of the magistrate and if the magistrate can be satisfied "that any person"—these are the words of section 109, clause (a),—"that any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction,"—not necessarily resident there "and that there is reason to believe that such person is taking such precautions with a view to committing any offence" he can be prosecuted. It does not necessarily follow that he has committed any offence before that or that he is a habitual offender, if he has gone there and he is concealing himself with a view to commit an offence—it may be it is the very first offence that he desires to commit and that he has committed no offence yet—he can be hauled up under section 109. It is no use therefore saying—and I do not agree with Honourable Members who put forward this argument—that it is wrongly used and that this power is abused. I say if I went to Nagpur

Sir Hari Singh Gour You would be in jail very soon.

Mr M A Jinnah If I went to Nagpur and if I went to take part in that movement which was going on and I had been taken before the magistrate under section 109 I would have honestly said to him "Yes, I have come here for this purpose." I would not have denied it. I am there with a view to committing an offence and I shall be liable to be bound over under this section rightly.

Mr C Duraiswami Aiyangar May I ask you whether under clause (a) or clause (b)?

Mr M. A. Jinnah Clause (a), I am talking of clause (a) I shall be liable to be bound over

Lala Duni Chand. That is a strange exposition of the law

Mr M. A. Jinnah. I beg to differ from the Honourable Member who has better knowledge of law than I have, but I say we are now really running away from the real issue. It is no use saying that a magistrate will be abusing that power. It is not for that reason that I am opposing this Bill. My reason is this, that under section 110 if you wish to collar a habitual offender for specified offences which cover a very large area—almost everything that you can imagine is covered—then the magistrate can proceed under section 110. But if you want to collar a man under section 109 (a), that is to say, for offences other than the offences specified in section 110, then I say the punishment should not be rigorous imprisonment, but simple imprisonment.

Mr A. Rangaswami Iyengar. That is the point

Mr M. A. Jinnah. That is my point. That is with regard to section 109(a), and I say that I would like to have a chance or rather a choice, if I went to Nagpur, and I should certainly prefer simple imprisonment to rigorous imprisonment, because I think it will be more comfortable at any rate.

Well, Sir, we come now to clause (b). With regard to clause (b) I agree that the words of that clause are very wide, but they have already received judicial interpretation in various courts. Of course it may be abused—that is a clause which I can understand being abused, and it may be abused not merely on the ground of collaring political workers, but it may also be abused on some other ground such as of course to maintain the prestige of the executive, which is very important in a district. I think the Honourable the Home Member will agree with me that it is very important.

The Honourable Sir Alexander Muddiman. I would not keep any one under 109 on these grounds, you may take it.

Mr M. A. Jinnah. I mean this—it is very easy to haul up a few people under section 109 (b) and of course it has been pointed out that we have a system here where the judiciary is not separated from the executive and therefore there is that risk and that danger. But nevertheless that is not a part of section 109 to which I attach very great importance, and as Mr Tonkinson himself pointed out in September—and I am inclined to agree there—generally no magistrate will convict a man under section 109 (b) and call upon him to give security merely because he has got no ostensible means of subsistence. I agree it must be something more, something more which is contemplated by this section and affirmed by judicial decisions and that something more is very clearly enacted in the English law which Mr Tonkinson himself pointed out. The English law is

“If on his being charged by a constable with getting his livelihood by dishonest means and being brought before a court of summary jurisdiction it appears to such court that there are reasonable grounds for believing that the person so charged is getting his livelihood by dishonest means”

That means that there must be some attempt to resort to dishonest means—that is to say, a person who has no ostensible means of livelihood and

further cannot give a satisfactory account of himself and is resorting to some dishonest means in order to get his livelihood which may not actually amount to a criminal offence is the class of man that would be liable to be bound over under this section. I have no quarrel with that, it is a much lighter punishment, and after all I think the Honourable the Home Member will agree with me that he will be convicted more or less on suspicion. Now, we are not concerned with cases of beggars and of people who honestly have no ostensible means of subsistence. What is the good of your putting them in jail? Are you going to make them work by passing sentences of rigorous imprisonment? Is that the remedy? That is not the class of people that you want to touch, that is not the class of people you want to improve by sending them to jail and sentencing them to rigorous imprisonment. Therefore, you have really got two classes, both the classes you would bind over under section 109 more or less on suspicion, no definite offence need be proved except a possibility under section 109 (a). For that purpose, is not simple imprisonment sufficient? Well, I leave it to the House to decide whether that is not sufficient and I say that, until we get some definite and clear evidence that this amendment which has been made only recently has created serious difficulties in the way of the Government, I am not prepared to support this Bill.

The Honourable Sir Alexander Muddiman Sir, I have listened to this debate with great interest, as I always do to debates in this House, but I listened to-day with particular interest, for arguments have been brought forward from different quarters so various and based on such peculiar grounds that I feel great difficulty in classing them under any general head. I shall proceed however to meet at once what I think is the real source of opposition in this House. It has been said, and it has been argued with considerable force that this section has been abused that it was so abused at Nagpur in connection with certain incidents in 1923. It has been said that the section was improperly applied and that it was used against persons to whom it was never intended to be applied, and generally that is made the ground for maintaining simple imprisonment and declining to give the option to the magistrate for which I am seeking in this Bill.

My first observation on that point is this: if the section was abused, then it is equally bad that simple imprisonment even should have been given. You are objecting to the use of the section and not to the sentences that may be imposed. Now, I myself have no hesitation in denying in this House any suggestion that section 109 should be used for political ends and I personally should regret very much if it was so used.

Mr R. K. Shanmukham Chetty What did you do at that time?

The Honourable Sir Alexander Muddiman I was not the Home Member at the time but I have no doubt that the Home Member at that time was equally as anxious as I am that it should not be so used. However, my point is this: that abuse of a section is no proof in itself that the section is wrong. You may abuse any section. Section 302 may be used. A false case may be brought against my friend Sir Hari Singh Gour, he may be committed to the Sessions, and he may be sentenced to death, and but for the beneficent intervention of the Home Member he might even be hanged.

Sir Hari Singh Gour That is very likely

The Honourable Sir Alexander Muddiman. So the possible abuse of a section is no ground for arguing against the section

I have been struck very much by the fact,—and I do think that the House is really under a misconception as to these cases. These events took place in Nagpur in 1923. My friend Sir Henry Stanyon put a very pertinent question when he inquired whether these proceedings were taken to the High Court on revision. I did not hear any answer.

Sir Hari Singh Gour. There was an answer given by Mr. Bipin Chandra Pal. Why did not the High Court proceed under section 135 and call for the records?

The Honourable Sir Alexander Muddiman. My Honourable friend forgets that in High Courts, proceedings are generally taken on petitions. (*An Honourable Member* "No, no.")

Sir Hari Singh Gour. The High Court may not call for the proceedings always.

The Honourable Sir Alexander Muddiman. That was, as I say, a very pertinent question which Sir Henry Stanyon put. The matter does not rest there. No one in this House has made the slightest observation on the fact that at the time the Criminal Procedure Code was altered in 1923 there was a change in the right of appeal under these proceedings. In fact, one Member was good enough to observe that there is no right of appeal unless a man has given security. That is a very unusual reading of the law.

Mr. Amar Nath Dutt. I think that is reported in 23, Calcutta.

The Honourable Sir Alexander Muddiman. I feel some doubt about it. (*Laughter*) Now, may I draw my Honourable friend's attention to section 406 as it appeared in the Criminal Procedure Code of 1898? It was as follows:

"Any person ordered by a Magistrate other than the District Magistrate or a Presidency Magistrate to give security for good behaviour under section 118 may appeal to the District Magistrate."

Therefore, at the time these Nagpur troubles took place, it may be said that the executive authorities were prejudiced, and therefore the persons concerned were not inclined to appeal, although they had the right of appeal, but whether they did appeal or not I do not know. However, it does seem to me a matter that the House should bear in mind that when the revision of that Code was under consideration the Legislature altered the right of appeal in these matters in a very useful way, in my opinion.

Mr. A. Rangaswami Iyengar. I hope you will think it useful.

The Honourable Sir Alexander Muddiman. I am quite prepared to stand by the altered Code in that respect. They inserted this new section 406 which deals with the same matter, and the new section 406 which must be known to every Member of this House or might be known to every Member of this House, runs as follows:

"Any person who has been ordered under section 118 to give security for keeping the peace or for good behaviour may appeal against such order—

(a) if made by a Presidency Magistrate, to the High Court,

(b) if made by any other Magistrate, to the Court of Session,

Provided that the Local Government may, by notification, exempt appeals in certain cases."

I have not here any information as to the exemptions, but I am perfectly sure if any were made in any special districts, it was because there was a difficulty in giving an appeal to a Court of Session. The House must recognise that it is a very great change in the law. Now, the House has asked for some assurance that cases of abuse of the section will not take place. I will be perfectly frank with the House. I cannot give any guarantee that the section will not be abused, but I do say this that this appeal is in itself a very great protection in that direction. And the very point which my Honourable friend made that there was danger of the executive bias being imported has been met. There has in this matter been a separation between the judicial and executive functions, in that an appeal now lies to the Court of Session. That is one of those things which is really a matter of considerable importance. Now, the real gravamen of the attack on my Bill was based on the idea that the section had been and could be used for improper purposes, to punish political offenders. I have now given, I think, a fairly satisfactory reply on that.

Let me pass on for a moment to another point. It is not every man who says that he is working for political purposes who is actually working for those purposes. I had at one time among the number of my acquaintances an eminent burglar who stood very high in his profession. He was an ardent member of the Primrose League. Thus you see you can combine a profession of a peculiar character with political tendencies. But as I have said, the real thing that the House is anxious about is that this law may be used improperly. I cannot give any assurance, nor can any one do so, that the law will never be used improperly. That is an assurance which I cannot give. There has been, by the very revision of the law which I am endeavouring to get changed in one respect a distinct advance which is calculated, in my judgment, and I trust in the judgment of the House, to avert any improper use of the section.

The next point I should like to make is a small one, hardly worth putting but I have been supplied with the information. I heard some Honourable Member say that about half the number of convicts in India are under section 109. (*An Honourable Member* "No, no") I do not know who said that, but the figures are as follows. There were 115,000 people in jail in India at the end of 1924, and 3,134 were in jail under section 10. That is not half, not even nearly half.

Mr M A Jinnah Under one section it is quite enough.

The Honourable Sir Alexander Muddiman I agree, Sir, it is deplorably large, I agree. Now, I do feel some sympathy with Mr Chaman Lal in one of the points he made. He said that he did not object to the first part of section 109, but he objected to the second part. Mr Jinnah gave the answer to him. He pointed out that the term "ostensible means of support" has a technical meaning, and my Honourable friend Mr Pal also pointed out, when he read an extract from the Madras Police Manual, that instructions have been issued that the police should use their discretion in using the section. I quite agree that discretion should be exercised nor in my experience is that discretion often wrongly exercised. You have heard in the speeches of those who have been more recently administering these laws than I have that on the whole they think the executive have not abused these powers. The House generally has taken the line that they are not seriously abused. Of course, it is impossible for me in this House—I never sought to take that position,—it is impossible to say that the police will not sometimes

be indiscreet, sometimes act from improper motives, it is impossible to say that It is not true of any country All we can ever hope is that the majority of the proceedings will be taken in good faith and in the public interest There are persons in every walk of life who may not act with the best of motives Unfortunately we find persons who do not act with the highest motives in every walk in life If that was not so, I am afraid many of our occupations would be gone My Honourable friend Diwan Bahadur Rangachariar would no longer get his fees in criminal trials, nor should I be paid for the duties I perform

Diwan Bahadur T Rangachariar No, your system is viciously wrong

The Honourable Sir Alexander Muddiman I have heard the word "vicious" many times before It does not impress me As I have said, one of the reasons why the House is opposed to this Bill is because they think that the section may be and has been abused and used for political ends I have definitely stated that I disapprove strongly of any such use being made of the section for this purpose I am quite prepared to write to Local Governments and express those views Having said that, I have gone very far to secure the suffrages of the House

Now, one further point was made that I brought this Bill too soon It was urged that after all it was only three months ago that this was rejected and I ought to have waited a year or two and seen how things worked I read out to the House opinions of very great weight—it is idle to deny that they are opinions of very great weight—and very great cogency giving clear proof of the urgency of the matter and of the necessity of taking steps to prevent this system by which these men sit in jail doing nothing, a system subversive of their own character, subversive of jail discipline and in every way undesirable I could have understood it if it had been argued that we should not have any of these powers at all and that we should not lock a man up at all in default of security But having these powers, it is really wrong, morally wrong, to send men of this class to jail with nothing to do

It is also argued that these persons should be dealt with under section 110 and section 110 alone This is a House of lawyers and nothing has been made more clear time and again by decisions of the High Court than that you cannot run a man in under 110 without giving him a chance of earning an honest livelihood I fully agree in the view that you cannot use section 110 till you have the man out for some time and really given him a chance

Mr A Rangaswami Iyengar Therefore you would use section 109

The Honourable Sir Alexander Muddiman In circumstances such as these I am glad the Honourable Member has raised the point We could use section 109 in these circumstances A man is released from jail He is in a certain act He comes into your compound with a picklock preparing to break into your house If you run him in under section 109

Mr A Rangaswami Iyengar "Picklock" is not mentioned in the section

Lala Lajpat Rai Section 110 will apply

Mr M A Jinnah Section 110 will apply at once

The Honourable Sir Alexander Muddiman I do not quite follow whether the Honourable Member objects to the pecklock or to the use of this section. It is obvious that he would be there with intent to break into the house but that section 110 would not apply.

Now, I have done my very best to bring this matter before the House and to answer them frankly and freely on the issues. The issues are of very considerable importance. I have not brought this into the House lightly. I would not lightly invite another rebuff in this House. It was open to me to take the Bill to another place, to endeavour to secure the reinsertion of this clause and bring it back here again. I did not wish to do that out of respect for this House. I desired that it should be brought as a fair and square issue and on that issue I ask the fair and square decision of the House. The implications of this are far beyond the mere amendment I am moving. I am asking the House to co-operate in making an amendment which has been recommended by every executive authority in India. I am asking this House to say once for all whether they will, in any circumstances, under any conditions, carry any measure which is brought forward with the united force of the executive. This is not brought forward in my interest. This is not brought forward in the interest of any one but the citizen at large. Is this House entirely unmindful?

Diwan Bahadur T. Rangachariar: No.

The Honourable Sir Alexander Muddiman of the fact that it is not only the criminals who have rights but the ordinary citizen also have rights? Is this House entirely unwilling to assist the executive in carrying into law measures the executive tell the House are essentially necessary? I have brought it forward as a perfectly fair and defined issue and on that issue, Sir, I invite the verdict of the House.

Mr President: The question is

"That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, be taken into consideration."

The motion was adopted by 52 votes against 45.

Friday, 12th February, 1926

THE BENGAL STATE PRISONERS REGULATION (REPEAL) BILL

Mr. Amar Nath Dutt (Burdwan Division Non Muhammadan Rural) Sir, I beg to move that the Bill to repeal Bengal Regulation III of 1818, be taken into consideration.

Sir, it may be in the recollection of this House that while moving a Resolution recommending to the Governor General in Council to repeal this Regulation on the 20th March, 1924, in this House, I stated that I was moving the Resolution instead of bringing in a Bill in order to give the Government an opportunity to introduce the Bill and thus make amends for the wrongs that have been committed by them over a series of years under the cloak of this lawless law. I waited and waited but the Government did not think fit to take the opportunity to introduce a Bill for its repeal, and at last I was obliged to give notice of this Bill. Fortunately or unfortunately, a more comprehensive Bill got precedence over my Bill.

in the last Delhi Session, and the same was duly passed at the instance of Mr V J Patel, who now adorns the Speaker's Chair of this House, and I thought that the last word on the subject had been said. I hardly anticipated that it was not to be so, but that its finding a place on the Statute-book would be objected to by the Council of State which, according to the then Law Member, was a Council of Elders having a larger experience of the world and whose business, according to him, was to see that no unwise measures are hastily adopted by a body naturally fond of asserting what they consider to be the people's will. He also repudiated the insinuation that the attitude of the Government was influenced by their confidence in the voting power they have in the other House. But alas! facts proved to be otherwise. The House of Elder Statesmen with more knowledge of the world brought their wisdom to play to repudiate all insinuations of yielding to the people's will and thus I am obliged to pilot this Bill which was previously piloted by veteran legislators of the type of Mr V J Patel—not the Honourable Mr V J Patel who now sits in the Presidential Chair unruffled by the storm that is raging round him. Yet I fondly cherish the hope that, although not a very skilful navigator, I shall be able to land this legislative measure in safe harbours, and I have every hope that our friends in the Upper House will not again send it down to the deep sea. Had I not this faith in the newly constituted Council of State I would not have wasted the time of this House by introducing the Bill again. May I also add that my experience of that generous and warm-hearted Englishman who is now the Leader of this House leads me to hope that I will have his support also although at the time of introduction of the Bill he gave me to understand otherwise. A perusal of the Preamble of Regulation III of 1818 will at once disclose the genesis of this lawless law. The Preamble runs thus

“Whereas

- (1) Reasons of State embracing the due maintenance of the alliances formed by the British Government with foreign Powers
- (2) The preservation of tranquillity in the territories of the Native Princes entitled to its protection, and
- (3) The security of British dominions from foreign hostility and internal commotion, occasionally render it necessary to place under personal restraint individuals against whom
 - (1) there may not be sufficient ground to institute any judicial proceedings,
 - (2) or when such proceedings may not be adapted to the nature of the case or may for other reasons be inadvisable or improper.”

That is the Preamble. This was at a time when the East India Company was consolidating its position, and almost the whole of Upper India, including the Punjab, Sind and Oudh were under Indian rulers, and there sat on the throne of Delhi a descendant of the Great Moghul. It is also reminiscent of the days when another European Power was competing with the Britisher for supremacy in India. It was framed at a time when the British military power and British diplomacy had not finally vindicated itself in the country. It was framed when foreign adventurers and freelances, without any stake in the country, were harassing the people, and there was trouble on our northern frontiers of Nepal, and the country was subject to the depredations of the Pindaris, and the universal desire of India at that time was peace, riddance from unscrupulous adventurers and merciless marauders. Whatever justification there might have been for a Regulation like this in those troublous times,

it is certainly not needed now when, after the lapse of more than a century of British rule, the country has been given peace and security—although that peace may be the peace of the grave, and that security the security of a beggar who has nothing to be robbed. Sir, the laws of a country are an index of the character of its administration, and with such archaic laws on the Statute-book you can hardly claim to have put India on the path of responsible government, of which you boast so much. I repeat, Sir, that the retention of this Regulation on the Statute-book is an anachronism, if we are to believe all that is said about the political progress of India under British rule.

If you closely examine the Preamble, you will find that it deals with vague dangers, to which a newly-introduced alien Government is exposed in its international relations from adventurers and scheming persons, in an unsettled state of society, and was certainly never meant to be a weapon in the hands of an irresponsible bureaucracy to suppress the political aspirations of the people, as has been the case in recent years. I shall ask you to remember that this Regulation was passed when the Indian Penal Code and the Criminal Procedure Code were not in existence, and there was no properly constituted Legislature which could pass laws. I venture to submit that the Regulation was not duly passed, and hence not entitled to the weight and authority of law. It has been rightly characterised as a mere decree of the Executive and should not be used as the law of the land. With the assumption of the government of India by the Crown after the end of the Sepoy War, the criminal law of the country was codified, making ample provisions for the maintenance of law and order against any internal commotion, and for nearly half a century this rusty weapon in the armoury of the Executive was not used, except perhaps once during the Wahabi case. Then came the Partition of Bengal, that ill-starred measure of that brilliant Viceroy, Lord Curzon. The Government, in their mad attempt to coerce the people into submission with the aid of this Regulation, deported men of saintly character like the late Babu Aswani Kumar Dutt and a moderate of moderates like Babu Krishna Kumar Mitra, along with the late Babus Subodh Chandra Mallik, Monoranjan Guha and others. I do not wish to rake up memories of those dark pages of the history of bureaucratic wrath in my unhappy province which created havoc in thousands of peaceful homes in the province of Bengal. I need hardly say that deportation without trial is not only inconsistent with modern ideas of political society, but is also a dangerous weapon in the hands of an alien bureaucracy, whose Executive is not responsible to the people of the country. Lord Morley, who has been so often quoted in this House, was against giving such a blank cheque to the Executive and wrote thus to Lord Minto:

"I won't follow you into deportation. You state your case with remarkable force, I admit. But then I comfort myself in my disquiet at differing from you by the reflection that perhaps the Spanish Viceroys in the Netherlands, the Austrian Viceroy in Venice, the Bourbon in the two Sicilies and a Government or two in the old American colonies, used reasonings not wholly dissimilar, and not much less forcible. Forgive this affronting parallel. It is only the sally of a man who is himself occasionally compared to Strafford, King John, King Charles, Nero and Tiberius."

And again speaking of the Regulation and the Bengal deportations, Lord Morley wrote:

"The question between us two upon this matter may, if we don't take care, become what the Americans would call ugly. I won't repeat the general arguments about Deportation. I have fought against those here who regarded such a

the Regulation of 1818 as indefensible. So, *per contra*, I am ready just as stoutly to fight those who wish to make this arbitrary, detention, for indefinite periods, a regular weapon of Government. Now your present position is beginning to approach this. You have nine men locked up a year ago by *lettre de cachet* because you believed them to be criminally connected with criminal plots, and because you expected their arrest to check these plots. For a certain time it looked as if the *coup* were effective, and were justified by the result. In all this, I think, we were perfectly right. Then you come by and by upon what you regard as a great anarchist conspiracy for sedition and murder and you warn me that you may soon apply to me for sanction of further arbitrary arrest and detention on a large scale. I ask whether this process implies that through the mine d'énous you have found out a murder plot contrived, not by them, but by other people. You say, 'We admit that being locked up they can have had no share in these new abominations, but their continued detention will frighten evildoers generally.' That is the Russian argument, by packing off train loads of suspects to Siberia we will terrify the anarchists out of their wits, and all will come outright. That policy did not work out brilliantly in Russia, and did not save the lives of the Trepoffs, nor did it save Russia from a Duma, the very thing that the Trepoffs and the rest of the 'offs' deprecated and detested."

Sir, those are weighty words of a Secretary of State for India addressed to a Governor General of India and I commend them to the present occupants of the Treasury Benches, who have allowed the Regulation to remain on the Statute book of India, not as a dead letter, but as a living force amongst the people, when the Repressive Laws Committee after a full and careful investigation came to their rescue and reported as follows

"We recognise the force of these arguments, in particular the difficulty of securing evidence or preventing the intimidation of witnesses. We also appreciate the fact that the use of the ordinary law may in some cases advertise the very evil which a trial is designed to punish but we consider that in the modern conditions of India that risk must be run. It is undesirable that any Statutes should remain in force which are regarded with deep and genuine disapproval by a majority of the Members of the Legislature."

And they recommended its amendment so that it can be used only for the

"due maintenance of the alliances formed by the British Government with Foreign powers, the preservation of tranquillity in the territories of the Native Princes, entitled to its protection and the security of the British dominions from foreign hostility—and only so far as the inflammable frontier is concerned—from internal commotion."

These recommendations of the Repressive Laws Committee were accepted by the Government of India, as will be seen from their Resolution of the 19th September, 1921, which runs as follows

"The Governor General in Council has considered the Report and has decided to accept the recommendation made by the Committee. Steps will be taken as soon as may be to introduce legislation to give effect to them."

Sir, in spite of the condemnation of the Secretary of State for India, in spite of the condemnation of the Committee appointed by the Government, and in spite of the condemnation of the Government themselves, what justification is there for the Government to defer the repeal of this Regulation? You may say that there has been a recrudescence of lawlessness and disorder in the country and therefore you must have these extraordinary powers. But the Report of the Committee shows that they were perfectly conscious of such facts, and yet they recommended the repeal for reasons stated in their Report. Then, again, may I ask, who is responsible for such a recrudescence of lawlessness and disorder, if there be any? I saw that the Government of India are responsible for it, as their shortsighted

policy of repression and want of statesmanship to grasp the political problems of the day is at the root of all revolutionary propaganda and anarchy, if there be any, in the country. You want to suppress the national aspirations of the people of this country, and their natural desire for political freedom, and therefore, you want powers under the Regulation so that nothing may stand in your way of continuing your autocratic rule in this country. You want to continue your rule with the help of these repressive laws, but I must remind you that no country has ever been governed by repression for any length of time and I warn you to retrace your steps and broad base the foundations of the Empire on the love and goodwill of the people. Sir, arrests and detentions of persons on mere suspicion for political or other imaginary reason is hardly worthy of any civilised Government. The writ of *Habeas Corpus* secures the personal liberty of the people in England and the Government there would not dare encroach upon this cherished right of the English people. But here in India even this elementary right of the subjects of a civilised State is denied to persons detained under Regulation III of 1818. I ask you. Is India to be kept in this state perpetually and are its people to be denied the elementary right of personal freedom without the semblance of a judicial trial? The official plea for the continuance of this Regulation on the Statute-book of India is not dissimilar to the plea of all autocrats in all ages and climes. But I ask the Government, are the ordinary laws of the country insufficient to bring about the conviction of those who are really guilty of offences against the State? Are not the provisions of the Indian Penal Code and the preventive sections of the Criminal Procedure Code sufficient to deal with them? Those of us who have been associated with the administration of justice in this country are familiar with the too liberal interpretations of sections 108A and 144 of the Criminal Procedure Code by our magistrates and judges and why should not the executive be content with these weapons, which have been aptly described by a great jurist as an iron hand in a velvet glove? Lord Morley in his denunciation of this Regulation expressed himself thus

“The great executive officers never like or trust lawyers. I will tell you why. They never trust an *Advocate*.”

then take shelter under the plea of intimidation of witnesses, a plea not borne out by facts, and the hollowness of which was thoroughly exposed in this House by the leader of the Swaraj Party by facts and figures last year when moving his Resolution on the Bengal Ordinance, and I shall not repeat them. Sir, all that can be said on this subject has been discussed threadbare on the floor of this House and if, in spite of all the facts and arguments placed before the Government, they still oppose the passage of this Bill, it will be a confession on their part that they have failed to win the confidence of the people even after a century and will deepen in the minds of their critics a disbelief in their good intentions. Let me remind them that the times are changing, the whole civilised world is watching them, and they will have to render an account of their self-imposed stewardship of this great country, which is the home and centre of an ancient civilisation and culture, before the bar of humanity and history in the near future. I therefore appeal to all true Englishmen in this House to rise above all petty considerations of expediency and vindicate the honour and fair name of England by supporting the Bill which I have introduced to repeal Regulation III of 1818, and help us on our onward march of freedom.

Sir, I move that the Bill be taken into consideration.

Mr J T Donovan (Bengal Nominated Official) Sir, I was under the impression—and I am afraid my Honourable friend Mr Amar Nath Dutt does not share that impression—that this Assembly as the Legislative Assembly is for the primary purpose of making laws. Judging from his activities in the last week he seems to think that its primary purpose is for un-making laws. I hope, Sir, that the mover will get rid of that impression before he introduces a motion to repeal the Ten Commandments. It seems to me that a suggestion to repeal Regulation III of 1818 is a possible precursor of a suggestion to repeal the Ten Commandments. I have no doubt, Sir, that when he is making this suggestion for the repeal of the Regulation, he imagines he is speaking with the voice of Bengal. Well, Sir, my recollection of the voice of Bengal was the voice of another great man, the great Sir Surendra Nath Banerjea. He spoke with the voice of Bengal. We have all heard that voice. Though it is now silent in the grave, its echoes are still resounding throughout this country.

Mr Amar Nath Dutt Since when have you begun to entertain that respect for Sir Surendra Nath Banerjea?

Mr J T Donovan I have always entertained the greatest respect for Sir Surendra Nath Banerjea since the day I first met him.

Mr Amar Nath Dutt Not during the Barisal disorder!

(Cries of "Order, order.")

Mr J T Donovan I associate his voice with the voice of Bengal more than I associate the voice of Mr Amar Nath Dutt with the voice of Bengal. Sir Surendra Nath Banerjea was a Member of the Government of Bengal that felt the need of Regulation III for Bengal. Of course, I may be asked—what happened to Sir Surendra Nath Banerjea afterwards? Well, if Mr Amar Nath Dutt or his friends wish to take credit for the fate of Sir Surendra Nath Banerjea, they are welcome to it. But the time will come when they too will begin to experience what it is to know the ingratitude of a people for whom one has worked all one's life. I have challenged his presumption to say that he has the voice of Bengal.

Mr President Order, order Honourable Members will have their turns

Mr J T. Donovan There is the significant fact that not a single Muhammadan has joined the conspiracies which led to the application of Regulation III. On the other hand, we are told that Regulation III causes the conspiracies. If that is true, why don't we have conspiracies among Muhammadans, among Bombay and North-Western people, or among Madras people?

Well, Sir, I have been reading a lot about this subject, because I have been away for some time and I have not been as familiar with it as I used to be, and among the literature that I have read is the speech of my friend, Mr Bipin Chandra Pal. I think it was on the 20th March, 1924—I am not going to say anything bad about him—I think it was on the 20th March, 1924, that he spoke in this House and he said that the cause of all this trouble in Bengal was due to the postponement of the Act of 1912 undoing the partition. We did it too late. The saddest words in our language were "too late." That was the cause of all the trouble in Bengal. Had we only undone the partition earlier there would have been no trouble. It is perfectly true that many Bengalis objected to the partition. It is also true that millions of the Muhammadans in Bengal wanted the partition. This is perfectly true and I appeal to any of my Bengal friends here and they will support me. I repeat that millions of the Muhammadans of Bengal wanted the partition. When the partition was undone too late, this led to several Hindus resorting to conspiracy. What did the Muhammadans do? What have they done since? Did the great Nawab Salimullah stand up and say that he would not stand it? Did the great Nawab Nawab Ali Chaudhry suggest conspiracy when the Muhammadans were deprived of their treasure? Has their behaviour been the behaviour of conspirators? Therefore, Sir, the partition of Bengal or the postponement of the undoing of the partition of Bengal is not the explanation of the formation of conspiracies. I shall give the explanation later on.

My friend, Mr Bipin Chandra Pal, the other evening exhorted us to look into the psychology of the case. Well, Sir, that is what I propose to do now, and not only that but I propose to lay down a line of psychological research and investigation which may lead to the discovery of the reason of the existence of these conspiracies in Bengal. First of all I want you to consider the people in Bengal, a generous people, a lovable people, a people gifted by nature above others in talent. Think of the youth of Bengal, some of the finest youth you can meet, generous, open-hearted, free, the youth that produces men of the type of Mr Bipin Chandra Pal himself. That youth you will meet every day in Bengal. I have met them in every district throughout the province, youth with great hearts burning with patriotic fervour. And consider the atmosphere in which they live. Consider what they have to read and what they have to listen to. One gentleman will get up and say in the safe shelter of this House that he does not consider it immoral to use violent means to change a Government, another gentleman will invite them to follow him in a career of destruction and obstruction which can only be described as wanton, another will hold up for their admiration the murderer of Mr Day. The papers of Bengal will publish from day to day autobiographies and biographies of the murderers of the last 20 years. All that creates an atmosphere, and that is the atmosphere in which young,

generous Bengal is brought up, and behind are the conspirators in their water tight compartments waiting for the result. These generous minds are taken in, they fall victims to the conspiracy, and they march to commit dacoity and assassination and to die disgraced on the gallows! That, Sir, is the line on which I would recommend Members to pursue the psychological investigation of this case, and on that line they would be more likely to find a solution.

In the Honourable Member's speech, Sir, there was something missing. When this question used to be discussed formerly, there was always a reference to the inflammable frontier, and we were generally given to understand that this Regulation was good enough for the inflammable frontier. Well, Sir, I do not quite understand why this Assembly should commit itself to the necessity of extinguishing the flames on the frontier and should let Bengal go to blaze. Bengal has an atmosphere highly charged and explosive and we are to allow a man to throw a fuse into that atmosphere, we must not use Regulation III to prevent it. The frontier, that is a different question, you can put out the flames there immediately. Sir, I am not speaking without experience of the havoc that has been wrought by these conspiracies which have disgraced Bengal for the last few years, I am not speaking without intimate experience. I stand here and I assure this House that in 1913 I myself arrested Purna Chandra Das. This is the hand that came down on his shoulder and this is the voice that told him he was under arrest. I was then Magistrate of Madaripur, and with him I arrested about 10 young boys. These boys all came from the High Schools near by, they were boys I knew well, they were generous, noble boys many of them. They came and went in my house freely, they came to me, took my books, read my books, and freely came and went in my house. About 10 of these boys I arrested with Purna Chandra Das and I had them put in jail. I visited them frequently, I spoke to each of them apart, and six of those boys, before I could stop them, confessed to me that they were guilty, the whole party was guilty of all the charges brought against them. We had them charged with dacoity. I am not sure whether they did not come under the section for attempted murder. These six confessed and I had to stop others from confessing. Then, Sir, there came to me a very great friend of mine, the father of one of the boys, a distinguished lawyer, and he asked me to let him have an interview with his son. I allowed him an interview, and I think I broke the jail regulations because I allowed him an absolutely private interview, I ordered him to be left alone. He sat with his son for half an hour and then he came back to me with tears streaming down his face and he told me that if I could guarantee that his son would not be kept in jail for more than two years, his son would confess everything. Although he was a lawyer, he made that suggestion to me. I need hardly assure the House that I could not accept that suggestion. Well, Sir, that case never went to trial, that is another story with which I shall deal later. But I propose to pursue the fate of these young generous boys from Bengal. Two or three days afterwards the Deputy Superintendent of Police, who was helping me in this case, had left my house and shook my hand and said good-bye, he was fired at in Dacca, and he was only saved by the gallantry of the orderly who was walking with him. Some months later there was an unerring aim and he was murdered. That was in 1913 or 1914. And what was the fate of the 40 boys? A few of them gave up their conspiracies and led a hunted life. Some of them were convicted in subsequent cases. Four of them were arrested landing arms at Balasore.

So far as I remember, two of them were killed there and two were executed for the murder perpetrated in connection with the landing of those arms. For the rest, Sir, there came the Defence of India Act, and most of the rest were interned, including Purna Chandra Das. Then the Defence of India Act passed away, the Repressive Laws Committee reported and we were out to make a fresh start and Purna Chandra Das came out, and the next time we meet him he is masquerading as a follower of Mahatma Gandhi, he has joined the Congress at Calcutta, he is Assistant Secretary I think. Well, Sir, on that matter I think the best I can do for the House is to read a part of a speech of Mr C R Das himself. We were discussing on the 25th January, 1923, the political prisoners' release, and this is what Mr Das said in the course of a speech

"It is the principle of the Indian National Congress that our liberty is to be attained by non violent activities, and it has been my endeavour for the last few years to approach these young men,"

—referring to the prisoners who had been arrested under Regulation III a few months before, Purna Chandra Das and about a dozen others—

"to approach these young men, who some time or other belonged to revolutionary societies,"

—Mr C R Das himself says "who some time or other belonged to revolutionary societies," that is, they were murderers or dacoits or potential murderers or dacoits—

"to bring them over to the Congress and to prove to them that we cannot attain our liberty by the application of violence, and I say I have succeeded in rescuing many of them. It is only the other day,"

—this is the important point—

"that some of them came over to my side. They gave me their solemn pledge, their word of honour, and I would ask you to remember that these men, whatever their fault may have been, are men of honour, truthful men,—they are not in the habit of telling lies—and they pledged their honour before me that they would never take part in violent activities. But to my horror what do I find? I find that within a few days they were pounced upon by the police and lodged in jail, for what offence we could not ascertain at the time. Afterwards we were told that they were detained under Regulation III of 1818."

Now, Sir, we are invariably told that these people were innocent. Here is Mr C R Das, who wants them let out, and he admits that until a few days before they were guilty revolutionaries.

An Honourable Member Not guilty, some time or other

Mr J T Donovan What are we to do with these revolutionaries

Mr A Rangaswami Iyengar Put them in court

Mr J T Donovan I will deal with that too, I am coming to that. These were revolutionaries according to Mr Das himself a few days before they were arrested. How were the Government of Bengal to believe in their sudden conversion, in this pretended penitence? How were the police to know that Mr Das had asked them for their word of honour and had trusted them, and how were the police and the Government of Bengal to believe it? Their leaflets were broadcasted throughout the country, and in those leaflets what do they say? They say, let us use these non-violent organisations as cover for our designs. These leaflets are broadcasted, everybody knows of them. Well, Sir, Purna Chandra

Das was arrested at the end of 1923. It is the arrest of him and about a dozen men that has given rise to all this debate here and the debates of the last three years, because Regulation III up to that time seemed to be as dead as Julius Cæsar in Bengal and elsewhere, and as far as we are concerned Regulation III is dead now and will be dead for the next 5 years.

Mr A Rangaswami Iyengar Then yet you want to keep it

Mr J T Donovan Well now, Sir, I cannot share Mr Das's surprise at the arrest of these detenus, and I do not think the Assembly, after what I have said, can reasonably share Mr Das's surprise at their arrest. Yet these are the very men we are talking of. As a matter of fact I think a reasonable view of the case is this, that Regulation III saved the Congress in Bengal, because I do not see any reason to believe that a Congressman is exempt from the general rule that you cannot touch pitch and expect to escape contamination. In fact, Sir, subsequent arrests suggest that there probably was contamination, and that Regulation III had not acted sufficiently quickly, that even in those three or four days there had been contamination. In any case the other cases to which I refer were not arrests under Regulation III which we are discussing now.

Now I come to the old stock invitation—"Put them on their trial." Even Lord Morley said so, I think. Well, Sir, I have told you the case of the men in 1913. We wished to put them on their trial. We tried one of them for intimidation of witnesses and he was sentenced. The next thing was that the Deputy Superintendent of Police was a corpse on the maidin. The confessing witness was in terror of his life and would not say a word. And after all if you are going to get evidence of conspiracy, you must get evidence from the police and the approver. If you cannot get such evidence where else are you going to get your evidence? If it only happened in that isolated case it would have been all right, but it has occurred with appalling frequency. There was the case brought up in Chittagong. That case was put into court. The Judge thought the case was not strong enough. The Sub-Inspector was a corpse within some weeks, the bullet of the assassin laid him low. Take another case. There was a bomb thrown in Harrison Road or some place there in Calcutta some few years ago. I forget the exact name of the case, but one accused in that case was released. He was found dead shortly after, murdered. That is what comes of trying to put them on their trial. (Laughter)

Pandit Shamlal Nehru (Meerut Division Non-Muhammadan Rural) He escaped the Judges only to get murdered by his own people!

Mr J T Donovan Then take the case of Sir Charles Tegart. He is an officer, a friend of mine, and like myself an Irishman, like myself also, he is passionately devoted to the people of Bengal. He is compelled in the course of his duty to investigate these cases, and yet Mr Day is murdered in the streets of Calcutta in broad daylight in mistake for Sir Charles Tegart. What is going to happen to other witnesses I ask if the head of the police for his part as a prospective witness is dogged like this and a man resembling him shot down in the street? Surely I have said enough to show this House that the remedy of putting these men on their trial is worse than the disease. But in any case what can you put them on trial for? You can only put them on trial for these specific crimes, but how are you going

to get at conspirators without first getting right into the heart of the conspiracy? True, you hang the man who murdered Mr Dav. You send the man in the Dakhineswar case to jail, but you do not really touch the conspiracy itself. The conspiracy is there in watertight compartments. You know there are conspirators, but they are so well organised that you cannot get them to give evidence against each other.

Now what is your duty to the people of Bengal? Your duty surely is to prevent that conspiracy, and the only known way of preventing it is a Regulation III or something like Regulation III. I have refrained from going back further. I have refrained from going back to the case of Shamsul Alam and the other well-known cases in Bengal. I have given you three of the recent cases. I have shown you that the system has not changed. I have no doubt that if the Honourable the Home Member could show you some of the papers which he has it would probably show you a little more about that system. I am speaking without any secret knowledge of the Government of Bengal, or any confidential knowledge of the Government of Bengal. I have no such knowledge. I am merely speaking from my own experience. We have been asked to put our evidence to cross-examination. The evidence that must go for cross examination is the evidence of the approver. I have said, and you agree with me I think, that that is the only kind of evidence you can get in conspiracy cases or at least a great part of the evidence must be that. We have been asked to put that evidence to cross-examination. Now how do you get that evidence? You offer a man pardon and you put him up to give evidence. He gives his evidence direct. He is then cross-examined. The whole battery of the Calcutta Bar is brought to bear on him, and for weeks perhaps he is up there a miserable wretch in the box, for weeks he is cross-examined day after day and during all that time he never knows what his fate is going to be except this, that the most he can hope for is to change his name and live in exile until he is forgotten, until those who are pursuing him have forgotten his very existence. He is up there and if he hears that a marriage which has been arranged for his sister is cancelled, or if he hears that his brother has died and that his father cannot get people to take the body away—if he hears things like that,—would that be testing the evidence? It is a test to which none of us would like to be put.

Well, Sir, I think, I have said enough to show that there is a grave necessity for Regulation III, or something like Regulation III, in Bengal and in every county. I now propose to show that the people of Bengal do not object to it. That raises a smile on my friends' faces opposite, but I notice they are gentlemen who do not belong to Bengal.

An Honourable Member. Do you belong to Bengal?

Mr J T Donovan. I have spent 15 years there.

Lala Lajpat Rai (Jullundur Division Non-Muhammadan) You do not belong to Bengal but you belong to Ireland—that is quite enough for us.

Mr J T Donovan. What I suggest, Sir, is this. Any impartial person interested in this matter should go down to Bengal and do as I have done—travel throughout the 26 districts of Bengal and the towns and villages in and out on the waterways and up and down the roads, travel as I have done and listen to the grievances of the people there. They will tell you all about their troubles, they will tell you all about malaria, they will tell you all

about the crops, they will tell you all about the municipal mismanagement there, they will tell you what they think Pandit Motilal Nehru is going to do next, they will tell you everything like that, but on Regulation III you will hear nothing unless you are in the neighbourhood of a bar library, and even there you may draw a complete blank. They do not know what it is, and it is no wonder they do not know it, because it is so infrequently used. and the number of cases under it during the last 108 years (I have forgotten to total them up) is so negligible, that it is no wonder the people do not know anything about it. But even supposing this impartial person said he wanted to know what they thought about it, supposing he told them that the Regulation is one which has to be used when Government cannot meet internal commotion—it is not a question of the inflammable frontier—but when the Government cannot meet internal commotion and when they are up against the state of affairs which I witnessed in Madanpur in 1913, when the condition of things was so bad that people were afraid to keep money in their homes lest it might be looted by dacoits, when in such a state of affairs it is found that the ordinary law is inadequate, then if you will tell them that it is in such circumstances that Regulation III has to be used, I have more respect for the people of Bengal than to think that any one of them would not denounce a Government which did not use a weapon like this.

Sir, of course there are meetings which pass resolutions and they have often condemned Regulation III and these resolutions have been recorded in the papers every day. The attention of the Home Member has been invited to them, questions have been asked about them, and my friend from Malda has sometimes felt inclined to put a supplementary question. But I should like to say a few words about these meetings. I come from a country where we really do have good meetings, and when I returned in December after a long voyage, I felt lonely for a meeting. So I pulled out a paper and I found that there were two meetings quite close to the home of my friend Mr Goswami, who is not here. One was a mass meeting and the other was a monster meeting. I went first to the mass meeting and at that mass meeting there were not more than 200 people present at the outside, of whom 100 were either idlers or curious passers-by. I was rather disappointed, but when I saw the paper the next day and the resolution, it was a magnificent mass meeting. Then I saw the notice of the monster meeting and I said I would go and see it.

Mr President The Honourable Member must know that this is a very important subject and that many Members are anxious to take part in the debate. It cannot be his intention to monopolise the whole debate. He must have regard to the claims of other Members of this House.

Mr J T Donovan Sir, I apologise, and I shall leave this subject of meetings except to say that I am sceptical about resolutions passed at these meetings and I would not advise much attention to be paid to them.

I come to the question whether this matter has ever been put to the constituencies. Has it ever been put before the constituencies of Bengal? And what have they said about it? That would be a very important thing, if you found the people of Bengal have dealt with it in the elections. Now, Sir Surendra Nath Banerjee was a member of the Government when it was brought in. He was not elected. Nawab Nawab Ali Chaudhuri was elected by two constituencies after he had been in the Government when this was brought in. Sir P C Mitter is still elected. That is not the

case I am going on—Sir Abdur Rahim was the Member for Law and Justice in the Government of Bengal when this Regulation III was introduced the last time, I am not sure of his portfolio, but I think that it was Law and Justice, in any case he was a Member of the Executive Council. On the 29th December last he had down his office, he then went to Aligarh and he made a speech (Mr K. Thond "Hear, hear") which combined an account of his stewardship and an election address. He then came down to Bengal and there were several constituencies in Bengal which were vacant, for which he might have stood. He decided to stand for the Council. He did not go to the back woods and choose a place like Munshiganj, he came down to Howrah and Hooghly, where he was right up against the big guns of the Swaraj battery, where the leader of the Swaraj Party might have elected to attack the candidate, if he liked, without any disturbance whatever of his functions as Lord Mayor. (Mr A. Rangaswami Iyengar "We do not walk into your parlour.") There, Sir, he deployed his forces at point blank range, and in the whole 26 millions of Bengal, from whom an opponent could have been chosen, no one could be found to oppose him, and he was the arch-tyrant who was in the Government when Regulation III was brought back! Out of 26 million people or 52 per cent of the population not one could be found to oppose him. The Swaraj Party were determined that he should be opposed wherever he stood and that he should not get in. They had said they would rout him but when he decided to stand where he did, they looked on without running any one against him. Did they fancy they saw seventeen ghostly horsemen with him? I say, Sir, that if Regulation III were questioned by the people of Bengal, they would have had Sir Abdur Rahim out.

I have taken a lot of the time of the House, because I feel that the question of Bengal is a very important one. I apologise for having taken up so much time and I thank you, Sir, and the House, for the indulgence which I have received.

Mr K. C. Neogy (Dacca Division Non-Muhammadian Rural) Sir, when I heard the speech of the Honourable Member who has just sat down I thought that Regulation III had missed its proper object, for here certainly was a revolutionary Irishman who had no love for British rule in India. And I think that the Honourable the Home Member could not have felt very comfortable in his seat, while the Honourable Member was proceeding with his speech.

The Honourable Sir Alexander Muddiman (Home Member) I felt exceedingly comfortable.

Mr K. C. Neogy Perhaps my Honourable friend enjoyed with the rest of the House those bits of interesting autobiographical sketches which the Honourable Member gave to this House, or perhaps the profanity with which he compared Regulation III to the Holy Bible. Sir, I do not envy my Honourable friend his friendship with the Rajahs and Maharajahs. He found fault with the Honourable Mr Amar Nath Dutt that it was not his good fortune to have moved in the circle in which he was enabled to move.

Mr J. T. Donovan Sir, I said "ryot", not "Raja", I never mentioned "Maharajahs".

Mr. K. C. Neogy Yes, that is your special privilege, it is the special privilege of the official here to exploit the Rajas and Maharajahs and to

exploit the ryots indiscriminately, and when my Honourable friend, Mr Amar Nath Dutt, did not lay claim to any such privilege, I can surely sympathise with him (*Mr K Ahmed* "What about vakils exploiting the ryots?") I will come to Mr Donovan's Holy Bible, I mean Regulation III. I am very glad the Honourable the Law Member is here, because what I am going to say is likely to interest him, and I do not think that he will approve of the use which the Government have made of this Regulation as I will presently show. Sir, I will take one of Mr Donovan's points. Mr Donovan made a very great point of the fact that here was Sir Abdur Rahim, who was primarily responsible for "bringing back"—that is the exact language that he used—Regulation III to Bengal, and he was let off without any contest at the last election. Sir, it has all along been my suspicion that, in spite of the very definite manner in which Regulation III states that the determination to take action under this Regulation shall in every case proceed from the Governor General in Council, it has all along been my suspicion that the Government of India have abdicated their functions in regard to this Regulation in favour of the Local Government. And if Mr Donovan's statement means anything, it means this, that it is the Government of Bengal who have it in their power to make use of this Regulation or not. (*An Honourable Member* "It is within the power of one individual.") Well, my Honourable friend reminds me that it is within the power of one single person, be he an Indian or an European, to put this Regulation into force against anybody and everybody. Sir, I do not think the Honourable the Home Member will thank the Honourable Mr Donovan for this statement.

Sir, there have been statements made in this House from time to time in reply to questions, and I acknowledge that I have taken a rather large share in asking questions on this subject, and what do we find? Inquiries were made by us on this side of the House regarding matters which ought to be within the special knowledge of the Government of India, and what was the reply? The reply was that Government have no information.

The Honourable Sir Alexander Muddiman The Honourable Member set down two questions the other day regarding Regulation III, and I gave him a very full, detailed and considered reply.

Mr K C Neogy This only shows that the Honourable Member while he was enjoying a position of a dignified repose in another place did not care to follow what was going on in the lower House. Sir, I am not referring to any question which he answered, I am referring to questions which his predecessor

The Honourable Sir Alexander Muddiman I am sorry to interrupt the Honourable Member. I was not, as a matter of fact, as he thinks, away in the Council of State on the day when he put the questions to which Mr Tonkinson replied. On that day I was with His Excellency the Viceroy in connection with matters of the highest importance, and I much regret that I was not here to answer the questions. My Honourable friend Mr. Tonkinson answered them to the best of his ability, but I should like to explain to the House that Mr Tonkinson is not the officer who deals with these cases.

Mr. K C Neogy I am rather surprised at the impatience of the Honourable the Home Member, but I thought he would at least do me the courtesy of hearing me before attempting to defend himself. What I stated was that there were some questions asked in this House to which his

predecessor replied and in which he stated that in regard to certain matters which ought to be within the cognisance of the Government of India, he had no information. I am extremely sorry if I have conveyed the impression that the Honourable the Home Member is neglecting his duties in this House. I had no intention of referring

The Honourable Sir Alexander Muddiman I beg the Honourable Member's pardon. I misunderstood his remarks.

Mr K C Neogy If the Honourable Member wants me to refer to that particular question, I have got it here.

The Honourable Sir Alexander Muddiman I beg the Honourable Member's pardon. I was under a misapprehension.

Mr K, C Neogy I think I had better refer to that question before I proceed further.

Mr K Ahmed (Rajshahi Division, Muhammadan Rural) Is the House to wait for such a long time till Mr Neogy consults his all the books in the almshouse?

Mr K C Neogy Sir, I have not that command of language, nor that nimbleness of wit which my Honourable friend possesses.

Mr K Ahmed I am afraid his tiffin will be cold.

Mr K C Neogy Here is the question, Sir. I will first of all read out the clause to which my question related. Clause 1 of section 4 says

"When any State prisoner is in the custody of a Zilla Magistrate, the Judges are to visit such State prisoner on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment of the State prisoner which may appear to them advisable, provided they be not inconsistent with the orders of the Governor General in Council issued on that head."

The question was

"For what periods, if any, were the said persons in the custody of a Zilla or City Magistrate? Did any Judge, in any such case, visit the State prisoner and issue orders concerning his treatment, as contemplated in clause 1 of Section 4 of the said Regulation?"

The answer was "Government have no information."

The Honourable Sir Alexander Muddiman Will the Honourable Member kindly give the date when that reply was given?

Mr K C Neogy Yes, Sir. This reply was given on the 1st of February, 1924.

Later on, I repeated the question, and the Honourable Member stated

"The information has now been obtained and no such person was in the custody of a Zilla or City Magistrate."

The point of this question was that throughout we find that the executive authorities issue the warrants, the executive authorities are also appointed visitors to the jails, and this is the only section in this Regulation which mentions an officer of Government who is not an executive officer and who is charged with the duty of visiting these prisoners to find out whether they are treated properly and whether they are well looked after. That was the point in my question. And the Government of India had no information on it, and it was only when I repeated that question some time later that

the Government replied to the effect that they had made inquiries, but no such man was kept in the custody of any such Zilla or City Magistrate. That shows that the Government of India do not take so much care as was contemplated by this Regulation itself in regard to the treatment of these prisoners, and they have left things to the Local Government.

Then, Sir, another curious fact was that when His Excellency the Viceroy in opening this Chamber on the 31st of January, 1924, made a reference to the use of this Regulation in Bengal, he made a rather surprisingly inaccurate statement. This is what His Excellency said:

“Before any action is taken, I and my Government submit these cases to a scrupulously careful examination. After the arrests in Bengal were made, as you are aware, all the documents and evidence relating to each individual have been placed before *two Judges of the High Court* for the purpose of thoroughly sifting the material on which action was taken.”

Now, a few days later, in reply to a question put in this House, it was stated that these cases were scrutinised by two District Judges and not High Court Judges. Surely, Sir, such mistakes are rather uncommon in the speeches of Viceroys, and I am sure that the Honourable the Home Member—I do not mean the gentleman who is now occupying that position,—perhaps his predecessor in office misled His Excellency into making that inaccurate statement. That certainly shows that things are not quite what they ought to be in regard to the administration of this Regulation, and perhaps the Local Government has its own way.

Then, Sir, in reply to further questions in regard to the treatment of these prisoners, it was stated that Government have received no complaint as to whether they were placed in the same position as ordinary criminals, whether they were put on ordinary jail diet and so on. Sir, after the statement was published in the newspapers, I was surprised to get a letter from no other than a State prisoner, who was a Bengalee Muhammadan to boot, writing to contradict the statement that the Government made in this House. That letter was endorsed by the District Superintendent of Police and passed by the jail authorities.

The Honourable Sir Alexander Muddiman I am sorry to interrupt the Honourable Member. Would he kindly give me the name of the man? Is it Muzaffar Ahmad?

Mr K C Neogy Yes, it was Muzaffar Ahmad who wrote to me. He was then confined in Dacca. I got a letter in which he complained that it is bad enough that they are being clapped in jail under the provisions of this Regulation, but it pained him to find that the Government made such inaccurate statements and mislead popular representatives in this House. And then he said:

“I myself was put on jail diet for some time and it was only after repeated representations that the matter was set right.”

I do not know whether the Honourable the Home Member will doubt the accuracy of my statement. If he does, he can make inquiries from the Dacca jail. This much I recollect that at the top the letter bore the signature of the District Superintendent of Police and at the bottom it bore the signature of the jail authorities showing that they had passed this letter.

Then, Sir, in reply to another question Government stated that seven internees had complained of their treatment, but inquiries showed that there was no ground for complaint. “Who made the inquiries?”, I asked

later, and they said that the inquiries were made through the agency of the Local Government. I suppose their grievances related to the treatment which they were getting at the instance of the Local Government and the Government of India left the inquiry to that very Local Government. So, it is the Local Government all along the line, and the Government of India does not come in anywhere.

Sir, Mr Donovan has given us very interesting personal reminiscences of his in regard to his administration as a magistrate in Bengal. Sir, much greater men in the past have testified to the fact that people dealt with under this Regulation were implicated in revolutionary and anarchical conspiracies. Statements to this effect were made even in Parliament with reference to our esteemed countrymen Babus Aswini Kumar Dutt and Krishna Kumar Mittra and also perhaps Lala Lajpat Rai, (*An Honourable Member* "Why perhaps? Certainly.") But what do we find? We find the Government of Bengal making a statement the other day that so far as Aswini Kumar Dutt and Krishna Kumar Mittra were concerned, they were not implicated in any anarchical conspiracy at all but they were making a tour of political agitation throughout Bengal and that was the reason why they were dealt with under this Regulation. I do not know whether we are to treat Mr Donovan's personal testimonies on any better footing than the misleading statement that were made on those previous occasions by the Government representatives here and by the Secretary of State in the Houses of Parliament.

Sir, I will once more refer to Mr Donovan's Bible. I refer to the Preamble and I am very glad that the Honourable the Law Member is here because I should very much like to have his judgment on the interpretation which I am putting on this clause.

"Whereas reasons of State," and so forth, "occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be inadvisable or improper."

These are the three circumstances in which this Regulation is to be made use of. It is only when they cannot place a man on trial either because there is no evidence or because it is inadvisable to do so, that this Regulation can be applied. But what do we find? The Honourable the Home Member, if he will brush up his memory, will recollect having replied to a few questions of mine in June, 1924.

The Honourable Sir Alexander Muddiman What date?

Mr K C Neogy 2nd June, 1924. I drew attention to the fact that immediately on the completion of the trial of a few young men who had undergone a protracted trial in the Court of Sessions at Alipore, immediately after they were released under the orders of the presiding Judge, they were arrested within the court premises under Regulation III, and what was the justification put forward by my Honourable friend? He said that the warrants under Regulation III were issued before the commencement of the trial in the Court of Session but their execution was stayed. Here was a case in which the Government had deliberately decided to place some people on their trial, when the trial failed, they were arrested immediately on the authority of these warrants from the Government of India. The Government of India said that they had issued the warrants before the trial took place. Why? Because they had no confidence in

their own courts and they were not prepared to confine themselves within the circumstances laid down in this Preamble to the Regulation, so that even this lawless law was proving too much of an embarrassment for my Honourable friend and he was in a way trying to legislate in order to amend this Regulation, but he forgot that although this Regulation was passed at a time when the popular legislature was not in existence

Sir Hari Singh Gour No Legislature was then in existence

Mr K C. Neogy. He perhaps thought that just because the Regulation was passed at a time when there was no legislature in existence, the executive authorities could interpret the Regulation in any way they liked and extend the scope of the Regulation so as to bring under it any people, who were deliberately placed on their trial and were acquitted by the judgment of the presiding Judge. A similar case happened in another part of Bengal. Sir, the Honourable the Home Member recently got this House to pass a law regarding contempt of Courts. If there is anybody in this House who has done more to bring courts into contempt than any one else, it is that gentleman sitting in that corner (pointing to the Honourable the Home Member). The Honourable the Home Member by taking this action against these people who stood their trial for months and months together and who were afterwards discharged or acquitted by the orders of the presiding Judge, by taking action against them under this Regulation although the Regulation did not give any authority to the Government to do so, was digging the grave of the very institution which more than anything else could be described as the bulwark of the British Government in India.

Sir, the Honourable the Official Member from Bengal (Mr. Donovan), referred to the passionate devotion which he felt towards Bengal and the Bengalees. I am much obliged for the compliments that he paid to my people. Sir, I am reminded by my Honourable friend behind me (Mr. Amar Nath Dutt) of the popular saying that one who loves the child more than its mother is nothing but a witch.

Mr J T Donovan Is "witch" the proper translation of the Bengalee proverb?

An Honourable Member "Wizard"

Mr K C Neogy That does not convey the meaning of the word as used in Bengalee.

Sir, I do not think this House will take my Honourable friend Mr. Donovan very seriously.

and the Muhammadans in this House by making deliberately inaccurate statements

Mr J T Donovan I have been accused of making deliberately inaccurate statements I should like to say that I made no such statements

Mr K O Neogy I thought the Honourable Member represented the Government of Bengal, and when he deliberately stuck to his statement, even after being challenged by me and other Members on this side, that there was not a single Muhammadan dealt with under this Regulation what am I to say? Does he or does he not represent the Government of Bengal? Is he or is he not expected to know the facts?

The Honourable Sir Alexander Muddiman May I intervene in this debate for one moment? What the Honourable Member said, as far as I can make out, was entirely accurate What he said was that there was no Muhammadan arrested in Bengal in connection with these conspiracies I have had it verified, and as far as I know there was one Muhammadan who was arrested in connection with the Cawnpore conspiracy case but none in connection with the Bengal terrorist conspiracies

Mr K O Neogy Sir, if we have spoken with some warmth on this side of the House it is because we feel very strongly in this matter, and it shows want of understanding on the part of those of our friends who take us to task for making plain statements as we have been making on this occasion His Excellency the Viceroy on the 31st January, 1924, stated

"I fully appreciate and sympathise with the views of those who wish to protect the liberty of the subject with strict exactitude"

His Excellency was referring to the administration of Regulation III, and it is in view of that assurance that we have discussed this question with some amount of candour and not without some amount of warmth The Honourable Member from Bengal questioned our credentials He said that we do not represent our constituencies in asking for the repeal of this measure I would remind him of the election cry that was raised throughout Bengal, particularly by the Swaraj Party, when they went to the polls, and which included a pledge to see all political prisoners released, and that of course meant incidentally the repeal of all repressive laws

Mr A Rangaswami Iyengar No, that was positively stated

Mr K O Neogy I am reminded that the repeal of repressive laws was one of the express items set down in the Swaraj Party's programme for the elections I do not therefore think that any great significance is to be attached to the fact that at one bye election a particular gentleman has by a mere fluke got in without contest

Mr K Ahmed Just like you What is the amount of expenses that you incurred in both elections?

Mr President Order, order

Mr K O Neogy That only shows the amount of support I had in the constituency

Mr K Ahmed Not a bit, you came in last time giving a "chit" and previously by a fluke or the trick of three cards

Mr K C Neogy Sir, if Mr Donovan wants further reply to his question I am sure he is going to get it at the next general election

Mr K Ahmed Every year you say that and every year I come here But why do you interfere with Muhammadan elections?

Mr K C Neogy Sir, these autobiographical references by the Honourable Member from Malda are always very amusing I do not therefore take any serious notice of them

Mr K Ahmed My friend is more amusing, because he raises the plea during each election He comes through a Swarajist ticket and is at the same time an Independent

Mr K C Neogy Sir, the Honourable Member from Bengal maintained that every civilized country must have a Regulation III in order to be able to carry on the administration I only invite him to read the speech that His Excellency the Viceroy made on the 31st January, 1924, in which he made an apologetic reference to the fact that it was necessary to make use of this archaic measure Sir, I do not think that I should take up any more time of the House. The Honourable Member has invited my Honourable friend Mr Bipin Chandra Pal to go into the psychology of the youth of Bengal with particular reference to their association with criminal conspiracies I am sure my Honourable friend Mr Pal will give an adequate answer to Mr Donovan With these words, Sir, I have great pleasure in supporting this motion

Lala Lajpat Rai Sir, I have great pleasure in congratulating the Honourable Member who represents the Government of Bengal in this House, on the magnificent speech he has made It was an exquisite speech exquisite in diction, exquisite in delivery and also in that particular quality of speech for which Irishmen are famous all the world over, the abundance of wit But I am afraid it was devoid of another element which makes a speech great, that is, sense and logic I have heard Irishmen in different parts of the world their forensic eloquence, then eloquence on the stage and also in Parliament is then distinguishing feature But the trouble with them is that when they get into the employment of the British they prostitute their talents? Not that there is anything wrong with their hearts, but their environments are so changed that that change affects their mentality almost completely We have had in this country ample experience, very bitter though, of another great Irish administrator, who though, a master of words, master of rhetoric, master of the art of making untruth appear as truth, possessed the same mentality as that of the Honourable Member opposite I need not name him Probably everybody in this House understands whom I mean He almost succeeded in making a revolution in a part of the country which is not known for revolutionary tendencies at all Yet he succeeded in bringing into operation laws which could only be justified by the existence of a great revolutionary movement I can well understand the difficulties of the Bengal Government if they are surrounded by officers of the mentality of my Honourable friend who made that speech here My Honourable friend began, Sir, with saying that we in this House seem to be more concerned with the unmaking of laws and with the repeal of the Ten Commandments than with the making of laws and acting up to the Commandments We, Sir, not only in this House but in this country have no concern with the Ten Commandments as such

The majority of our people, the vast bulk of us, have no particular attachment to them

An Honourable Member Surely!

Another Honourable Member Shame!

Lala Lajpat Rai It is not a matter for shame, it is to our credit, because we have had the essence of these Commandments long before they were enacted, we had no particular need of them. My Honourable friends, on the other side, did need them and so they got them. We had all these Commandments in our country not only in our laws but we practised them in our lives long before my Honourable friends received them. So we never stood in need of any Commandments at all, and we do not stand in need of them even now, nor are we much concerned with the unmaking of laws, because, circumstanced as we are, we can neither make them nor unmake them. We can only voice the feelings of our country and of our countrymen, and that we shall faithfully do in spite of all the difficulties that may be put in our way. So that part of the Honourable Member's speech, Sir, I think, may be passed over.

Then my learned friend referred to that great voice of Bengal at whose feet many of us sat to learn our political work and get our political knowledge, the late Sir Surendra Nath Banerjea. I grant, Sir, that Sir Surendra Nath Banerjea was the voice of Bengal in 1905, in 1907 and in 1909 when the 9 Bengalees were deported. He represented the true feelings of Bengal when he denounced the deportations of 1907, and when he equally denounced, in the strongest possible language the deportations of 1909. I would be the last person to say a word which might cast a reflection upon the honour of that great man. But a change of environment brings about a change of views, and sometimes a deplorable one too. What Sir Surendra Nath Banerjea denounced, as a representative of the people, as the voice of Bengal, he unfortunately lived to help in administering as servant of the Government. It was the latter fact that brought about the change if any. I mean no reflection when I say, that the fact that he was no longer the voice of Bengal after he had joined the Government—was proved by his defeat at the elections. The voice of Bengal at that time was not Sir Surendra Nath Banerjea but another great Bengalee whom also my friend has quoted, and who denounced Regulation III of 1818 and the Ordinance in unmeasured terms. I have yet to learn, Sir, that excepting those in the service of Government, there are any Bengalees, prominent or otherwise, who have ever supported Regulation III of 1818 or the Ordinance.

of this kind before it succeeded in establishing its right to have its own Government. He says that soon after the establishment of that Government, that Government passed a law on the same lines as the Bengal Regulation of 1818. But he omitted to mention that even that Government had to get the sanction for that law from their Parliament every year. It expires at the end of every year. It is not perpetual and cannot go on from year to year. It is brought before the Parliament every year in order to be freshly sanctioned. But in my judgment no country, no Government, is entitled to call itself civilised which has recourse to such laws in ordinary times. It is only possible where a Government suffers either from a lack of confidence in its power or from lack of confidence in its moral and judicial hold upon the minds of the people. I have yet to know that in the history of the world a civilized Government and a mighty Government has had in times of peace to have recourse to such a law for the purpose of protecting its prestige or preserving the peace and tranquillity of the country. I submit this is a confession of weakness which is unworthy of this Government. When we ask for the repeal of this law, we are making an attempt to vindicate the honour and good name of England and not to disturb the equanimity of Englishmen in this country. It is—I hope my friend will pardon me for using this expression—it is a matter of standing shame to Great Britain that such a law should be on the Statute-book of India without the Government having ever desired its repeal or suspension. Once more the Honourable Member repeated the plea based on the difficulties of getting evidence for the conviction of those charged with revolutionary crime. But all this was fully considered by the Repressive Laws Committee, and they came to the deliberate conclusion that, except for the Frontier Province, this law should be repealed. They were of opinion that it was not needed in any other part of the country. So, Sir, I think it is too late in the day now to come here and say that this law is necessary for the existence of this Government. Are we to understand that after 170 years of British rule the British Government in this country is still so powerless that it cannot rely on its judicial courts or on its moral prestige to maintain peace and tranquillity, and that the peace and tranquillity of the country was being constantly endangered by these few individuals whom the Government gets hold of from time to time under Regulation III of 1818? Sir, there is no necessity for this Regulation except that the Government is affected by a kind of intoxication which one gets from unlimited power. The frequent exercise of unlimited power, uncontrolled and unchecked power, brings out a mentality which compels the possessors thereof to have laws of this kind for the sake of convenience. They want these weapons to be used whenever they cannot confidently go to the courts. My friend Mr. Neogy and I think, Mr. Amar Nath Dutt also referred to the revelations recently made with regard to the deportations of 1909. They were the deportations of Babus Aswini Kumar Dutt and Krishna Kumar Mitra. The Government only recently gave out the true reason of the deportation of these gentlemen. And what was that confession? It was a confession of abject weakness on the part of the Bengal Government. It was admitted that Babus Aswini Kumar Dutt and Krishna Kumar Mitra were not guilty of any revolutionary crime; they were not even suspected of any revolutionary crime, but that the Government of Bengal thought that the safety and tranquillity of the province demanded that they should be put out of the way. And why? Because they were leading the Swadeshi movement, they had not committed any crime, but because the British Government wanted to put down the

Swadeshi movement and that could not be achieved except by their being deported, and put out of the way for some time. Therefore the Government of Bengal had recourse to Regulation III of 1818 in order to achieve that object. May I ask if that was the honourable course for any Government to adopt? I submit that it was not. My Honourable friend said the other day, that the abuse of a law was no reason for the repeal of that law. My reply is this that if there is a law which lends itself to be abused so often, and so flagrantly, then it is a bad law and not a good law and it should not be on the Statute-book. Only such laws ought to remain on the Statute-book which are not liable to be so misused as Regulation III of 1818 has been. It was said that the revolutionaries could not be put on their trial before the ordinary courts of justice because the witnesses ran the risk of being murdered, but you know, Sir, that this is a lame excuse. In spite of that risk trials for conspiracy are going on in Bengal. Besides people are being interned under the Bengal Ordinance also. There are only a few people who are put out of the way under Regulation III of 1818. Does any one mean to say that only in these cases there was or is the risk of producing evidence and that in the other cases it was or is absolutely safe to do so? I submit, that such a contention cannot hold water. People are dealt with under Regulation III of 1818 not that there is any risk to the life of the witnesses or anybody, but because there is no evidence against them which any court would accept. Here is this Government established by law, as is often said, which takes people unawares, and without giving them any intimation of the charge against them removes them from the country. Some others it puts on trial, and when the trial fails, when by its own procedure it finds that it cannot convict those people, it applies Regulation III of 1818 and imprisons them. Is that worthy of a civilised Government, is that worthy of a great Government which claims to base its right to govern on the affections of the people, on the love of the people, and on the attachment of the people? I would beg Honourable Members to put themselves in our position and imagine what would be their feelings in similar conditions, and then judge of the situation and sit in judgment on us. Are those young men who are carried away by their emotions, which cause them to do things which I say are certainly not desirable.

The Honourable Sir Alexander Muddiman Which are or which may not be?

Lala Lajpat Rai I say that they are not desirable. But don't sit in judgment on them in the way you do. You should remember that it is an atmosphere of hopelessness, almost of despair, that has affected their minds. Most of them have become revolutionaries because having tried every possible means of getting a decent livelihood they failed to get it. Then they lost their balance and took to methods which are certainly not desirable. I do not condone their offences, I do not want them to go that way, I beg of them not to do it—yet if they do not follow my advice I can not pass a harsh judgment on them.

My friend made another point. He quoted from the speech of Sir Abdur Rahim about Mussalmans. Now, Sir Abdur Rahim might have for his own purposes made a statement which suited his case, but he did not mean to cast any reflection on the patriotism of his co-religionists. Am I to believe that the galling humiliation of foreign rule of being dealt with under Regulation III is not felt by Mussalmans? Sir, such a statement is a libel on Muhammadan patriotism and I hope my Muhammadan friends in

this House will repudiate it. I do not think Sir Abdur Rahim meant anything of that kind. But when a statement of that kind is quoted by my friend on the other side, for the sake of his argument (he will pardon me for saying so), I can only call it a dirty trick. There is no other name for it. It is a deliberate attempt to create dissensions between Muhammadans and Hindus on a question on which they are absolutely of one mind. I believe there is no difference between Hindus and Muhammadans on this point. It may be that there are Hindus and Muhammadans who will vote against us who always vote against us, but the reasons for that conduct are different—not that they like Regulation III of 1818 and more than we do—but here again I would like to point out that my friend need not be so cock sure of his facts. Mr Neogy gave the name of one Muhammadan gentleman who was actually arrested in Bengal. I know of another case in the Punjab. He was an M A, and his name was Gulam Hussain. He was arrested under Regulation III of 1818 and confined in the Lahore Central Jail at the same time I was there. During the few months he was there he was being constantly visited and spoken to by high placed C I D officials. He was then released. Now, Regulation III of 1818 does not justify the detention of any person for the purpose of any inquiry or investigation. The only justification for the application of that Regulation and for an arrest under it arises when the tranquillity of the country is in danger, or when there is commotion. You cannot arrest a man under the Regulation for the purpose of making an inquiry or for the purpose of making an investigation, so that after a time when he has rotted in jail for several months, you find that there is no case against him, you just discharge him. I think the facts about Muhammadans referred to by my friend are not quite as he made them out to be, and certainly he cannot be so sure of Muhammadan mentality remaining the same hereafter. It may be that the Muhammadans are in a position to control themselves better. If they are I congratulate them. Or it may be that there are other circumstances which have not brought them into that unfortunate frame of mind in which the Hindu young men have found themselves, but it may be that the times are coming when they may be driven irresistibly to the same course. I hope not. I wish not.

I may remind the House of what was said in the Report of the Rowlatt Committee. It was said there that at the bottom of the revolutionary movement in Bengal was the unemployment of the educated classes. The Muhammadans in that province are not educated in such large numbers as to find themselves in the clutches of unemployment by reason of that education and so they do not go in the revolutionary movement. The Hindus have been educated in large numbers and have remained unemployed. That is one of the reasons why you find more Hindus in the revolutionary movement than Muhammadans. This kind of argument, I submit, does not go very far, this way or that way.

I can certainly accept the contention that there are occasions when the Government does need extraordinary powers, but I cannot bring myself to believe that the conditions in this country are such as to make it necessary for the Government to have that power *always, all the 12 months of the year* or from year to year, without at any time dispensing with the law which gives them that power. That is a statement I cannot accept. But if the Government must have that power, let it change the laws so as to enable us to question those proceedings in law courts. That will be something reasonable, something sensible. But so long as you keep these laws

and also keep your criminal law in such a condition as to make it impossible for us to question the correctness of these proceedings in any court of law, I submit you impose a double injury on the people of this country which they have not in any way deserved. My friend has paid great compliments to Bengal. I can repay those compliments by saying that Irishmen are very gifted, very talented, very able, and yet I have never known them to be very devoted to the British Government or to law and order (Laughter), (*An Honourable Member* "Except in India"), yes, except in India where they are the paid servants of the British. That exception holds good because all Irishmen in the service of the British Government, with a few noble exceptions, have believed that the interests of law and order in this country required that the people of the country should be denied all such rights as they and their countrymen have been fighting for in their own country.

Now, Sir, I sympathise with my friend. I am sorry for having been forced to make these remarks, but he has put me into that unpleasant position by the extraordinary speech he has made. I liked it very much, but there was no sense in it. I wish he had used his eloquence, his rhetorical powers in a better cause. I do not want to detain this House very long because other Honourable Members have to speak, but I just want to say one or two words more. Some reference was made to the speech of Mr C R Das. I am going to leave it to my friends from Bengal to take up that part of the speech, but as far as I remember, Mr Das no doubt admitted that there was a revolutionary movement in Bengal and that he had tried to change the mentality of those people who he thought were concerned with this revolutionary movement, but he never admitted that any of these men who were arrested under Regulation III of 1918, were concerned with this revolutionary movement.

Mr J T Donovan Will the Honourable Member consult the volume of the Bengal Legislative Council proceedings which I quoted this morning?

Lala Lajpat Rai I have not consulted them, Sir. I would like Honourable Members to consult them, to read them, but I can never believe that Mr C R Das could ever have made a statement of that kind. He admitted, and rightly admitted and for that I give him credit, that there was a revolutionary movement in Bengal and that some people who were dealt with under the Ordinance were involved in it, but he never admitted there was any suitable case for the arrest of people under Regulation III of 1918, and that is the point we are concerned with here. We are not concerned with the Ordinance or the revolutionary movement. We are concerned with the justification for keeping Regulation III on the Statute-book. That is the issue before us.

Mr J T Donovan May I inform my Honourable friend that in January, 1924, when Mr Das made that statement, there was no question of the Ordinance. The Regulation had been used for two months.

Lala Lajpat Rai I have put the issue very clearly before my Honourable friend. Can he quote any words of Mr C R Das—I will sit down to enable him to do so—in which Mr Das admitted that these people who were arrested under Regulation III were concerned with the revolutionary movement?

Mr J T Donovan I quoted them this morning.

Lala Lajpat Rai Will you quote them again? I will leave it at that and let the House judge for itself. So far as I know they do not mean that.

Mr J T Donovan You have not read them.

Lala Lajpat Rai. It was also said that the repeal of this Regulation III would take away the stock-in-trade of the professional politicians. Well, Sir, there are no professional politicians in this country. They may grow in time, but they are not there yet, and certainly not in the sense the term "professional politician" is known either in Ireland or in the United States. I intend no reflection on Ireland or the United States, but I know too much and I cannot erase from my mind the knowledge I possess of those countries where fishmen are to be found in abundance. But so far as my knowledge goes—I am speaking subject to correction—there are no professional politicians in India. I say, they may grow. We are growing in "civilisation" and perhaps that is a part of civilisation. All those things are bound to come; they are the necessary concomitants of the civilisation which we are taking or borrowing with pride and perhaps with doubtful wisdom from the West. But if by the repeal of Regulation III of 1818 my Honourable friend can deprive the professional politician of his stock-in-trade, why does he not do it? He will be doing a service to the State if, by his help, this kind of argument is taken away from their mouths by the repeal of Regulation III. They will employ their time more profitably and perhaps to the usefulness of both the State and the nation.

In the end, Sir,—I have an appeal to make to the Government, if there is any chance of my appeal having the least possible effect, which I am afraid there is not, that if they at any time find the peace of the country threatened or endangered, they have the machinery of the legislature to make such a law. Why should they try to keep this Regulation permanently on the Statute book, and why should they use it for purposes other than those which were contemplated by the Regulation itself?

Sir, I have so far spoken mainly about the Bengal deportees. I need not refer again to my own case as there are other cases as well. But may I draw your attention to another aspect of the case? Perhaps you do not do much injury to these people whom you arrest. You deprive them no doubt of their pleasure, you prevent them from fulfilling their duties in life, and thus inflict injury on them. But at the same time you raise them in reputation, you make heroes of them and thus cause a greater injury to your own interests and to the reputation of your Government, and also add to the volume of unrest that prevails. That perhaps will not appeal to you, but cannot you see that by having resort to proceedings of this kind you are constantly engaged in a vicious circle of unrest and repression? Do away with these Regulations, do away with these repressive laws, and then try and see, if you need them again. You have at all times the power given to you in the Statute, in the law, to make these emergency laws. Nothing deprives you of that. You have not shown that if you had not arrested these men, of whom you have been speaking, the whole country would have been simply flooded with blood and would have been lost to you. If at any time hereafter you find it necessary in the interests of peace to enact a law of this kind temporarily, you have the machinery ready to hand to do it. But for God's sake remove this Regulation from the Statute-book, at least for some time. Let the people feel confident that you have some sense of justice left in you, that they can

still confide in your sense of justice and fairplay, that you do mean to govern this country, as long as you have to govern it (before the last Home Member, as my friend has said, books his baggage from Bombay), with at least some show of traditional British justice. Sir, I support the motion.

The Honourable Sir Alexander Muddiman However, as Mr Jinnah says, there are exceptions and perhaps my residence in Bengal may have done something to remove that disability. Sir, I have spoken on this subject to this House on many occasions. I fear that in future it may be possible I may even have to speak again. But the House will not expect of me a long dissertation on the present occasion. Mr Donovan, with the enthusiasm of youth and with a felicity of language which I envy, has put forward a case that it is very difficult to answer. He put it forward with great eloquence and the House heard him, as it always hears speakers of his class, with great attention. Much that was contained in that speech must have been unpalatable to the House but I congratulate the House on the way it listened. It showed good feeling, it showed that talent is appreciated even though the views that are put forward are obviously not palatable to those who are listening to them. I congratulate the House very much on that. I should like to congratulate the House on a further matter. We have had a speech from a Member who has actually been a victim of Regulation III and I must say a better tempered speech I have never listened to. That is a thing which brings us nearer. When you get that feeling one can discuss this kind of matter in the right kind of way, without bitterness, without anger, without unnecessary irritation. I must confess that there must be something in the atmosphere of Bengal of a special character, for I noticed here in another brilliant speaker from Bengal a note of anger which was absent from the other speeches. Mr Neogv who usually addresses this House with accuracy and calmness, was a little warm this morning. His afternoon speech however was more in his usual manner and I can only suppose that the merits of lunch were duly appreciated.

Now, Sir, I have argued this case at very great length on other occasions. We have had the same arguments brought forward to-day and I can supply you with very little more than I have given on previous occasions. However, the report of the Repressive Laws Committee is always trotted out and I must trot it out on my side. I think some speaker has read, or at any rate some speaker in the future will undoubtedly read it, I will refrain therefore for my part,—I will only say what I said on the last occasion.

“If Members will look at that report they will see a most significant footnote. The ink on that Report was not dry before the Repressive Laws Committee had to add this rather remarkable footnote.

‘After this report had been drafted we received information of the grave and widespread disorder in Malabar which in our opinion has more than justified the apprehensions leading to this conclusion.’”

Mr Donovan, like all young men, rather overstated his case. I myself certainly can find no ground of comparison between Regulation III of 1818 and the Ten Commandments. I have always endeavoured, in so far as a poor sinner can, to follow the Ten Commandments, but I place them on a very different plane from any man-made law. We, at any rate some of us, believe that they were divine in their inspiration and I am very glad to hear that in my Honourable friend's (Lala Lajpat Rai) religion, things of that character are not necessary, because they are embedded in his religion.

and in so far as that is true, there is a tie between all religions and every race. On the other hand, Mr Donovan made a very powerful appeal, based on personal knowledge of the people of Bengal, he quoted many cases which I think in many instances I have already brought to the notice of this House in previous speeches, I do not propose to go into them again. He pointed out that in times of special stress special measures have to be taken. No wise man denies that—it is not even done on the other side. What the Honourable gentlemen on the other Benches say is “You are keeping this unnecessarily on the Statute-book *in terrorem*, you ought to take it off, because if you do and there is any trouble, we will give you satisfactory legislation.”

Lala Lajpat Rai If necessary

The Honourable Sir Alexander Muddiman And who is to be the judge of that necessity, the Executive Government or this House?

Mr M A Jinnah. Are we responsible?

The Honourable Sir Alexander Muddiman. The Executive Government or this House?

Mr M A Jinnah Are we responsible?

The Honourable Sir Alexander Muddiman The Honourable gentleman has answered me quite rightly. Both. Then there must be that support from this House which any Government can expect. Now, I have no wish to irritate the House in any way, but has this House always been ready to support us in any shape or way in measures necessary for the administration of the country? (*Cries of “Yes”*) No, no, I am not to be put down like that. Does not this House in its more reflective mood feel sometimes doubtful about the view of matters it has taken, that it is not prepared to help in maintaining law and order? Now, my Honourable friend who is now looking at me (Pandit Shamlal Nehru) said the other day—it was in the debate on the Resolution on beggars—he said “Municipalities are too weak to put the law into force.” I do not deny there is a feeling at any rate amongst us that Indians are a little unwilling to take the responsibility necessary to deal with crime, not because they have any sympathy with crime—I do not intend that in the least, but it is a national characteristic

as he said (In Honourable Member "Irishmen") Regarded as Irishmen' At any rate he suggested the feeling was very different Now, I suggest to him there is one reason for that My ancient and venerable friend goes back a long time, he has told us so himself, and in his early days there were memories still lingering of the bad old times, the days of disorder, that is why the feeling was different In those days people were alive—they must certainly have been alive who at any rate had heard of the days when the horse hoofs of riders were heard even up to the Mahanadi Ditch That is why in Bengal there was in those days more regard, more feeling because the memory of what had been done in the bad old days was still fresh I do not want to carry that argument beyond its legitimate bearing, but undoubtedly that is so My Honourable friend went on to tell us that economic troubles have a good deal to do with much of the unrest we have in this country I entirely agree with him in this statement, but the readjustment of economic troubles to modern conditions is a long process it is a matter which must take time

Now, he also laid down a very valuable rule I think he quoted Tolstoy in support of it, though it was not really necessary to quote him in support of it, because it is a rule which, I think, every one in this House will agree to He said 'freedom' Certainly, but subject to the limitations that you do not infringe on the freedom of others That is the basis of all human society It is the justification for our action It is because we do not desire that a small body of persons should infringe on the freedom of others that we keep this Act on the Statute-book We must have the power to take this action That I like this legislation any more than you do is not true—I do not like it myself, and I think, apart from my natural dislike to it, it is a matter which gives me the greatest amount of trouble in dealing with cases of this nature And for that I make no complaint at all to the House—I make no complaint I think it is only right that any executive Government which takes special measures for special circumstances, should be continually criticised in the exercise of those powers, and I think the House will be wrong if they hold the contrary view

Then my Honourable friend made an allusion to lovely D O R A I have a large house party, but there is no D O R A in it (Laughter)

Mr Bipin Chandra Pal You had at one time (Laughter)

The Honourable Sir Alexander Muddiman Now, Mr Neogy complained rather bitterly that he was given some information of an inaccurate character in reply to a question, by my predecessor I think, Sir, the point has been really somewhat misunderstood Section 4 of the Regulation is divided into two parts It refers, in the first place, to prisoners in the custody of the Zila or City Magistrate, and in the second place, it refers to State prisoners in the custody of public officers not being District Magistrates There are now no prisons in the custody of Zila Magistrates and therefore the first part of the section is inoperative These prisoners, as a rule, are now in the custody of the Superintendent of the Jail, to whom the warrant is addressed, and it was quite obvious that Government could not have that information

Then, Sir, it was said that a distinguished public man, whose name I will not further disclose, had changed his views when he took up office Why? Of course, it might be said that office had a corrupting influence Well, I am not so sure of that myself It all depends on the man I want

to suggest another possibility Is it not possible that when he took office with the fuller knowledge he obtained he changed his mind? I put it to the House, it is for their consideration (*An Honourable Member* "He has not changed his mind")

Now, it is admitted by most people, I think, who have really discussed this matter seriously that some powers of this nature are really necessary for the executive Government The objection to the use of these powers is based mainly on the plea that they are used in cases of internal commotion and that they may be used for political purposes I do not believe myself that the House, except for electioneering purposes, would otherwise seriously object to the Regulation Of course it is perfectly true that powers of this kind are open to abuse and it is perfectly true that they must be used with extreme discretion There I entirely agree I for myself, if I had a majority in this Assembly, might possibly be inclined to bring forward legislation on different lines to replace these powers by a more complete and modern procedure, but unfortunately, I am not in a position of having a majority in this House and if I brought forward legislation I might very well find myself landed with a very different Bill to what I intended Therefore, Sir, you can understand why I feel some difficulty in taking that step

Diwan Bahadur T Rangachariar You have always a majority for a reasonable measure

(Here another Honourable Member made an interruption which was inaudible at the Reporters' table)

The Honourable Sir Alexander Muddiman My Honourable friend makes a suggestion that he could hardly expect me to accept 'In vain is the net spread in the face of any bird'

There is one other point that I wish to make Mr Neogy rather took the line—of course he comes from Bengal, and we who have been in Bengal know Bengal to be a very important place, as it is indeed a most important place—he was rather inclined to take the view that in this matter the Government of India are in the pocket of the Government of Bengal My Honourable friend Mr Donovan, in his speech, referred a good deal to the Bengal Government Mr Neogy's point was really that the Government of India had not got a mind of their own, and that if they get an order from the Government of Bengal, they intern these people under Regulation III I can assure you that the Honourable Member is under a complete misapprehension The Government of India look into these cases with the greatest care They do not lightly undertake action of this kind They are not entirely devoid of political wisdom They are aware that these cases must create a very great amount of trouble, putting it at the lowest ground I can assure my Honourable friend that no Local Government will ever be allowed without the most convincing case to persuade me at any rate to have anything to do with this Regulation

With these words, Sir, I must oppose the repeal of this Regulation as I opposed it before

Friday, 19th February, 1926

Colonel J D Crawford (Bengal European) Sir, I desire to rise in this debate to call the attention of the House once again to a point which

I referred to only the other day I know that if my friend, Mr. Bipin Chandra Pal was here he would tell the House that the psychology of the opposition to this measure was due to the fact of its oppressive nature. I have often wondered why my friends on the opposite Benches have been so aident in their opposition to a measure which has been of such particular assistance to them. My Honourable friend, Lala Lajpat Rai, certainly owes much of his fame to Regulation III. I was in Mandalay when my Honourable friend was there. I was serving as a subaltern in the army and I used to look upon him as a terrible tiger. I used to see him walking about the roads escorted like a Viceroy by the police. We had a great grouse against my friend as housing accommodation was short and my friend occupied one of the houses which should have gone to us!

But the point I really desire to make is again to call the attention of the House to this very definite menace to India and its inhabitants which comes from Bolshevism. The Regulation does not only deal with internal commotion. It says here in the Preamble

‘Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from *foreign hostility* and from internal commotion”

and that is the point which I want to impress upon the House. There is no doubt that those who have studied this question of the Bolshevik menace must realise that the attack is directed mainly against the British Empire, and that the weapons used are not the ordinary weapons of war to which we are accustomed, but something very much more insidious and dangerous to the peace of our country. The way in which the Bolsheviks would propose to attack India is to seize on any cause of unrest existing in the country. We debated one such cause of unrest only a few days ago and the opposition of my Honourable friends showed me that they were thoroughly alive to the danger which exists. That state of unrest is the point which the Bolsheviks would try to exploit to their utmost. They will endeavour to send agents into this country definitely with instructions to exploit industrial workers and so create considerable chaos in this country and considerable difficulties for you in working out your own salvation. We know that their methods are to exploit industrial strikes and we know that they are already alive to what they call assisting Indian workers. Mr. Joshi and Mr. Chaman Lall have said that they have already had direct support from Moscow. But I trust that Mr. Chaman Lall will not allow our industries to be disturbed by strikes manufactured from outside. I feel that we have a very real menace to our industrial advance, and that at this time, when that attack is being so strenuously pressed and in such an insidious manner, surely it would be unwise of this House to take away from the executive the powers which they possess without giving that executive other powers to deal with that particular menace. That is the point which strikes me most strongly. (*An Honourable Member* “You have your criminal law”) Criminal law? You know that these people are not people whom you can bring before a court. They are people of whom you have suspicion that they are here solely for the purpose of creating difficulties for us within our own country.

Mr. Devaki Prasad Sinha (Chota Nagpur Division Non-Muhammadan)
How did you get all this information in regard to Bolshevik propaganda?

Colonel J. D. Crawford. May I refer the Honourable Member to the article which I mentioned to the House the other day from the *Journal of the United Service* for January, 1926. It is an article which, even if you do not agree with the opinions stated there, is very well worth your reading and very well worth your consideration. I can assure you that the facts are not unduly exaggerated. (*An Honourable Member* "You think so?")

Mr. Devaki Prasad Sinha Is that your only authority?

Colonel J. D. Crawford That is the authority which I have been quoting. I suggest to the House that we know we have very difficult problems here in the way of our political advancement, and I know that Honourable Members are just as anxious as I am to see that there shall be nothing which shall intensify those difficulties. For that reason I earnestly appeal to the House not to repeal at this critical moment the Regulation which is so essential to our own internal peace and welfare. On these grounds I ask those members who are not out purely from an obstructionist motive or who have not had their feelings too heated by abuse to remember for one moment what they are doing and to say that this repeal cannot take place at the moment.

Mr. Devaki Prasad Sinha Sir, I do not desire to speak at length on the merits of the Bill of my Honourable friend, Mr. Amar Nath Dutt, for the A, B, C of our creed is to wipe out all repressive legislation from the Statute-book. But my Honourable friend, Colonel Crawford has drawn the attention of this House to certain imaginary dangers which he describes as the Bolshevik menace to this country. We must clearly understand that point of view lest we allow such misleading statements to pass unchallenged in this House. I find that the Bolshevik menace, whether it is real or imaginary, is on the brains of some of the Honourable Members of this House, and whenever any question is discussed they bring in this Bolshevik menace with which they seem to be much more familiar than any Indian Member of this House. I do not know how my Honourable friend gets this information. Surely he is not in the Government of India and surely, Sir, if the Bolshevik agents come to India to carry on propaganda they will not find a favourable subject in my Honourable friend, Colonel Crawford! But we know and we have been told by friends like Colonel Crawford that Bolsheviks carry on their propaganda through some European agents. I do not know whether my friend Colonel Crawford is one of their agents, for he seems to speak from inside knowledge. But, Sir, I feel that this is a very unjust method of trying to forge fetters in the way of Indians by talking every now and then of this Bolshevik menace which can on any day create a conflagration in this country and in order to safeguard ourselves against any such eventuality it is necessary that the executive in this country should be armed with unrestricted powers. Well, Sir, if the Bolshevik menace, as my Honourable friend imagines, is threatening the peace of this country, then my submission is that the only chance for the success of Bolshevik propaganda lies in the great discontent of the people of this country. If you want that the progress of Bolshevik propaganda in this country should be nipped in the bud, the best way to do it is to remove the cause of discontent which feeds Bolshevik propaganda. And I submit, by retaining on the Statute book legislation, if it can at all be called legislation, such as Bengal Regulation III of 1818, you create a very favourable opportunity for the Bolsheviks to come to India and to carry on their propaganda. They will come to the Indian market and say,

either in an individual or in a Government are likely to be abused. Now, Sir, so far as Regulation III is concerned, it has been abused in the past, and there is no absolute guarantee that it will not be abused in the future, however careful and however statesmanlike the higher officials may be. Officials are, after all, human, and no human institution can claim infallibility. Again, Sir, there is this danger, that these officials can be misled either by their subordinates or by some unscrupulous persons who some-how or other have gained then confidence. But that is only one side of the picture. There is also the other side, and I shall refer to it presently. If we divest the Government of all these powers and ask them to resort to the ordinary law, I apprehend, Sir, that there will be anarchism and disorder let loose in the country (*An Honourable Member* "Question"), and that will be a sad day for my country and my countrymen. Sir, I have heard it said repeatedly not only here but elsewhere, why not bring you suspects before the courts and try them? That is of course the ordinary course, and this has been urged by responsible people who in the same breath say that they have no confidence in your courts and that they do not care twopence whether the judgment of the courts are for conviction or for acquittal. Then, Sir, what is the difference between an individual convicting a man and putting him in confinement by his order and trying him in an open court and then convicting him? Sir, I think everybody has a right to say that the only reason for asking for an open trial is that the persons who have supplied the evidence, right or wrong, may be known and may be spotted, and there lies the danger. It is vain, Sir, to hide from ourselves the fact that there is an anarchist movement in the country. It may be a few, a microscopic minority, but there it does exist. I am not going to deal with the psychology of the thing. Whatever may be the causes—I believe the causes are to a great extent due to the action of my friends—but whatever may be the causes,—it is a fact that this movement does exist. I put a straight question to my countrymen whether they think that the existence of this movement and this disease is good or bad for the body politic. Personally, Sir, I hold that it is a cancer in the body politic and ought to be dealt with and removed immediately.

Pandit Shamlal Nehru (Meerut Division Non-Muhammadan Rural) -
How?

Maulvi Abul Kasem Whatever may be the measures adopted. If I, Sir, believed that revolution was good, I would have said otherwise. I say that revolution is a crime if it fails and it is a virtue if it succeeds. ("Hear hear" from the Swarajist Benches) Sir, if I were assured that revolution in this country was going to free the country from foreign domination, and if I were assured at the same time that by these methods we will be in a position to establish the peace and prosperity of the country, be stable, strong and advance the movement whatever the consequences. I would not hesitate to join the movement. But I honestly and sincerely believe that the methods are wrong. The attainment of the end is neither practicable nor probable in that way and therefore I think that all this talk about threatening and terrorising the wretches is idle talk, and that the revolutionary movements are due to panic or repression. I will take you back a few years. Before the first overt activity of the revolutionaries was known, I mean before Mr B C Allen, who was only a little while ago a Member of this House, was shot on the platform of the Goalundo station, neither the people of this country nor the

Government had the least inkling of this movement. But, Sir, it was after that that the Government began to start inquiries, and they made certain startling discoveries—you cannot deny that—about the bomb factory in Mumbaitolly and about the terrorism that this movement exercised. A police official was shot in the precincts of the High Court, another within a few yards of his house from which he had just gone to post a letter, a lawyer was killed within the compound of the Alipore police court and an accomplice was shot within the four walls of the Presidency Jail. That shows the strength of resources and the activities of these revolutionary forces.

Pandit Shantil Nehru When was that?

Mr Chaman Lall (West Punjab Non-Muhammadan) How many years ago?

use of attacking it and making speeches here. What I object to is this. If there is this revolutionary movement, if you want it to succeed, if you believe that it can bring good to the country, every man who calls himself a patriot must consider this. It has very often been said that it is in a spirit of nationalism that the misguided youth of Bengal carry on this propaganda. Sir, only a few days ago, it was deliberately said by an Honourable Member of this House that it is the bomb throwers of Bengal to whom the black Members in the front treasury benches owe their position. It is due to the bomb throwers of Bengal that the constitution under which we are here, be it good, bad or indifferent, has been granted to us. I object to speeches like these.

Pandit Sham Lal Nehru Why didn't you then?

Maulvi Abul Kasem. To-day we have been told that this Regulation is used because Bengal wants to wipe out the disgrace of the days of Suraj-ud-Dawla. By this I understand that there is implied justification for the employment of Regulation III, and that there is a revolutionary movement. To my friend, I would say, although I do not command that elegance of language and Oxford diction which he does, that being a disgrace—and a disgrace it certainly is—it cannot be wiped off by committing another and greater blunder. I have felt all along that the misfortune of India has been that it has always treated with foreigners and wanted to upset settled government by bringing in invaders. When there was a peaceful Hindu Government they could not tolerate it. They invited the Muhammadans from the border land to come and rule them. When they had a settled Muhammadan Government they invited a small body of traders to come and join hands with them to upset that Government. You have committed the mistake twice. You feel the consequences. Don't do it any further. You ought to learn from the past. Do not exchange the frying pan for the fire.

Sir, in the course of this debate, the name of my revered leader, Sir Surendra Nath Banerjee was used. His name was used with a certain amount of disapproval by the other side and expression was given to it by my Honourable friend Khan Bahadur Sarfaraz Hussain Khan. He said that the voice of Sir Surendra Nath Banerjee "may have been the voice of Bengal in antediluvian days but it is not so to-day." I use his words. I say, Sir, it is a disgrace to any country to speak of the father of modern nationalism in that language and in that spirit. I know, Sir, and I feel it, that Sir Surendra Nath Banerjee was defeated, and badly defeated, at the polls at the last election. But I submit to the consideration of this House and to every right thinking man that his defeat was a matter of shame and disgrace to the electorate and to you and not to him. Sir, insinuations have been made that Surendra Nath Banerjee or men like him and like Dr. Paranjpye accepted office under Government for the sake of the emoluments that the office carried or for the power and influence that went with it.

Mr T. C. Goswami Was that statement ever made here?

Mr President The Honourable Member says that veiled insinuations were made and he is entitled to hold his view.

Maulvi Abul Kasem Sir, I hold and I believe nobody will deny it, that whether they were right or whether they were wrong, these distinguished

countrymen of ours accepted office because they thought that by accepting office, they would be

Pandit Shamlal Nehru On a point of order, Sir Is that relevant? We are discussing the Bengal Regulation III of 1818 and not Liberal politics

Mr President The Honourable Member is quite relevant

Maulvi Abul Kasem They thought that thereby they would be able to serve their country and their countrymen better And but for Sir Surendra Nath Banerjee as Minister, what would have been the constitution of the Calcutta Corporation? Where would have been the dignified Mayor and the valiant Councillors of that Corporation to-day? But, Sir, human memory is short and Bengal's memory is shorter still

Mention was made of another friend of mine who is no longer in the land of the living, Nawab Sir Salimullah It was Mr Bipin Chandra Pal who said that he was against the partition of Bengal and that it was only a friendly visit of the Viceroy to Dacca that made him change his mind That, Sir, was a veiled insinuation against the political honesty of my departed friend which I cannot allow to pass unchallenged

Pandit Shamlal Nehru Why did you not challenge it that day?

Maulvi Abul Kasem I did Sir, I know the history of the partition of Bengal, I was in the thick of it It is true that Nawab Salimullah

Mr President The Honourable Member is not entitled to go into the history of the partition of Bengal

Maulvi Abul Kasem I was only offering an explanation Nawab Salimullah was against the partition, no doubt Mr Ghuznavi and I personally went to Dacca and induced him and his followers to go with us in a deputation to the Viceroy But it was not the Viceroy's visit that changed him It was the indiscreet statement made by the President of the Town Hall Meeting which was held to protest against the partition, that in Eastern Bengal the Muhammadans would have the predominant influence and in Western Bengal the Biharis and Bengali Hindus would be nowhere That was the statement that he made I myself tried to keep it out of the Press but the *Englishman* published it and I could not help it This was the statement that set up the backs of the Muhammadans of Eastern Bengal and since then it has continued That is my explanation of the action of Nawab Salimullah

I have one word more Assertions have been made which I cannot allow to remain unchallenged My Honourable friend, Mr Yakub, said that if the truth about the election of Sir Abdur Rahim were to be told

Mr President The Chairman reminds the Honourable Member that it is Friday to-day and if he values his prayers more than his speech, he should bring his remarks to a close

Maulvi Abul Kasem That if the truth were to be told about the election it would be known that he was elected on the understanding that he would represent the popular view, and I believe by popular view, he meant the view of the benches which he adorns Sir Abdur Rahim's views were absolutely known and were expressed only a few days before his election But that is immaterial I have the authority of Sir Abdur Rahim to say

that he entered into no negotiations or any understanding with any body, individual or party, before the election. He offered himself as a candidate to test the mentality of the electorate and as a challenge to his opponents. In the first he received full satisfaction and the second was a triumph. Sir Abdul Rahim is the foremost Muhammadan leader of Bengal at the present day and if his retirement from the Government Benches was a loss to the executive Government it was a great gain to the community and the community has taken full advantage of it. (*An Honourable Member* "Why did you not seek election?") I did not want to because I was not so sure as Sir Abdul Rahim was. (*An Honourable Member* "Grapes are sour.") A seat on Bengal Council is no honour to him, his community wanted his services and he placed them at their disposal. (*An Honourable Member* "Come to the Regulation.") I think that instead of spending our breath and our energies and our time in wrangling over this business the best course would be, if you believe that both the Regulation III of 1818 and the spread of anarchism in this country should be removed simultaneously, for you to sit together and devise means as to how best to do that and not to talk and make the situation worse still. I repeat, Sir, that it is very fine and very comfortable to encourage and advise the poor young misguided men to go and put their lives and property in danger. I know from personal experience that many people who are very strong in their sympathy and in their appreciation and approbation of this anarchical movement take particular care that their own sons and their own nephews are miles away from these men. (*An Honourable Member* "Wise men.") Sir, I say there are two courses open to you. If you believe that these revolutionary, these anarchical movements,—call it anarchical patriotism or revolutionary patriotism if you like—if you believe and honestly believe that they are good for the progress and advancement of the country, make a statement frankly and not in a veiled manner. But if you believe that these are no good as I believe, then it is your business to see that these movements are crushed and crushed they can only be neither by the removal of that Regulation nor by your speeches but by your unqualified condemnation of the movement and by your impressing upon the youth of Bengal that their labours are absolutely in the wrong direction and that these movements are setting back the hands of the clock of progress instead of forwarding it. The condemnation should be strong and unqualified and not a veiled commendation. Sir, my Honourable friend Mr. Donovan remarked the other day that the Muhammadans were out of it. Whatever may be the reasons for that I am not going into them. But only this morning I was shocked and surprised to find in a newspaper that this poison is slowly creeping into that community. (*An Honourable Member* "You are proud of it.") I am not. I am really very sorry and to the best of my ability I will try to eradicate it. This is a letter received by my Honourable friend from Mr. J. C. Mukherjee, the Chief Executive Officer of the Calcutta Corporation, in which he is told that he has been unfair, unjust, and tyrannical to the Muhammadans and that unless he mends his manners and methods and does them justice, his life would be in danger. The letter is unsigned. Whether it be a danger to the life of Mr. Mukherjee or not, at least it is a great danger to the community to which I belong and it has created a great apprehension in my mind and I hope in the minds of all well-wishers of the Mussalmans of Bengal. When I said that the poison was trying to make its way into the Muhammadan community there was a feeling of joy and approbation expressed from the opposite benches. I cannot understand or realise what was the occasion for it. If their joy is expressed on

must have this power, and I should like to suggest to my Honourable friends on the other side that in their hatred of things English they perhaps sometimes forget that this whole ideal of what I may call the Habeas Corpus Act is a purely English ideal. We did not enjoy it in Scotland until we united with England. (Laughter) It was not enjoyed in any Continental country until English ideas of justice began to prevail. Indeed up to the end of the 18th century I do not believe there was a single country in Europe where any one had this right which is claimed to be a natural right of all men. Whenever a gentleman uses the words "natural right" I immediately begin to be suspicious. It is one of those terms which is constantly used without any great meaning at the back of it. What it means on this occasion is that people in this country are accustomed to the ordinary exercise of this privilege which has been conferred on them since the British came to India. But, Sir, if there are circumstances in which it is necessary that for a time this exercise should be laid aside it would be a mistake for Government to divest itself of its extraordinary power. I think, Sir, that there are cases in which it is required and the tone of the remarks of Mr. Goswami confirms me in the belief that there are circumstances at the present time that make it necessary that this power should not be given up. At the same time I confess that as a non-official, as one who has suffered sometimes from departmentalism, I consider that it is extremely desirable that the non-official Members of this House and the opposition of this House should carefully scan what is done by Government and should see to it that Government does not use this power to any excessive extent. At the same time when Government comes to us and says to us that in certain cases it believes that it is necessary for it to exercise this somewhat unpleasant power (*An Honourable Member* "It never comes to us") it does so in practice (*An Honourable Member* "How can you prevent its misuse?") It may not be prevented but my point is that the great advantage of the existence of this House for India is that it will by its criticisms make Government consider very carefully before it takes action of this extraordinary kind. I feel, Sir, I think that the Englishman is not a good bureaucrat. He is not a natural bureaucrat, he has not got that love of exercising power which I think is to a much greater extent inherent in the Indian. I do not think that they love to exercise power simply for the sake of exercising it, and I do not think that they like to exercise powers which are opposed to their own political instincts except in very exceptional circumstances. For that reason, Sir, I am going to vote with the Government on this occasion.

Sir Hari Singh Gour (Central Provinces Hindi Divisions Non-Muhamadan) Sir, the more we discuss this question the more we seem to get away from the main issue. I do not wish, Sir, to justify these Regulations or to attack them, except upon one ground and that ground is that the Government stand committed to their repeal. All the objections that are now used by the apologists of Government in favour of the retention of these Regulations were considered and taken into account by the Repressive Laws Committee, and after giving due weight to the representations received and the evidence heard, the Repressive Laws Committee decided to recommend that the amendment of Regulation III of 1818 limiting its scope to objects outlined above must be taken in hand and the Government in their Resolution accepted *en bloc* the recommendations of the Repressive Laws Committee. Now, Sir, I take my stand on the pledge implied in the Resolution of the Government of India accepting

country was aflame, with the result that the home rule movement gained momentum with each extension of the Coercion Act. Sir, repression feeds revolutions, it does not kill them, and I therefore submit that my learned friends on the other side are sadly mistaken if they ever think that the use of repression can in the slightest degree abate or stop the march of evolution.

Then, Sir, it has been said that we want to preserve these Regulations because they are necessary for the purpose of preserving law and order. Now, Sir, when these Regulations were enacted, we had no Penal Code, we had no other sections, such as sections 109, 110 or 108, nor had we a regular police code. We had no conspiracy Chapter added to the Indian Penal Code. In those days, when the criminal law of the land was being evolved, I can well understand the Executive formulating their own views and saying "We shall arrest the persons whom we like", but now, Sir, when the criminal law of the country has been systematised and placed on the Statute-book, I submit that the Regulations are an anachronism and not in keeping with the Statutes of this country and must therefore go. It has been said that "there is no doubt that there are Statute laws, but how are we going to get witnesses? Witnesses are terrorized, they are intimidated", and a gruesome picture has been presented of persons who had been shot at or shot because they were trying to give evidence in conspiracy cases. I ask, Sir, how many are these cases? And if you have got these cases, you must make special laws for the purpose of dealing with revolutionary crime. On the last occasion when a similar question was before this House, I quoted chapter and verse from the constitutional history of England and from legal books in which I pointed out that there are two conditions necessary, as Professor Sidgwick points out, for the purpose of enacting exceptional laws—first, the case of a sudden national emergency, and secondly, that these laws must be temporary in their nature. Those are the two conditions which justify the enactment of repressive laws. Are those conditions present at the present day? Is the whole of the country in a state of siege? Or is it not the fact that crime is local and localized, and for that, local Ordinances, local laws, have been enacted? And therefore I submit there is no justification whatever for the continuance of an all-India Statute, which is a menace to the liberties of the public and is, therefore, I submit, rightly objected to by the representatives of people in this House. What objections, I submit, can Government raise to-day?

Then, Sir, it has been said by the Honourable Members of the Government that if you were to wipe out these Regulations, what would become of that very large number of foreigners who come to this country for the purpose of preaching revolutionary doctrines? Well, Sir, the reply is simple. If the Government really believe in their arguments they should whole-heartedly support my Bill which exempts foreigners, but is only limited to protect British subjects, and I go further and say that the Members of this House will not be wanting in their sense of responsibility and in their obligations to their own people to assist the Government in framing and formulating such laws as are intended to deal with the nature of mischief—which Honourable Members on the Government Benches represent as necessary—such mischief as is caused by foreigners and by organised propagandists in this country. But the point that the Members of this House are anxious about is that all such laws must flow from the elected representatives of this House and must bear the imprimatur

of the reformed constitution That, I submit, is the gist of the argument There is no use telling us, giving us examples, that there are murders committed here and murders committed there How many more murders, Sir, are not committed throughout the length and breadth of this country? I understand, if the Honourable Mr Tonkinson will give us the figures, they will run into perhaps a thousand or more But is that any justification for enacting an all-India repressive law for the purpose of dealing with these crimes? And how many dacoities, organised gang dacoities, are not being committed in place after place in this country, but merely because they happen to be non-political in their character, therefore they are dealt with under the ordinary law Sir, whatever laws you may enact, whatever safeguards you may provide, you cannot stamp out crime All that you can do is to reduce it, and I, therefore, submit that on the question of the continuance of these repressive laws which are a source of public and national grievance and have been subjected to criticism by at least two Assemblies of this Legislature I submit the Government must yield and bow to the public opinion repeatedly expressed against these measures Government say, and we have often been told,—the Honourable the Finance Member has coined a phrase that though they were not responsible they were nevertheless responsive to this Legislature This is an occasion when I ask the Government to show themselves responsive to the united wishes of this Legislature I know the power of the Government We wanted to repeal a series of these repressive laws and we did so with striking majorities, but what was the result? We know what was the result, and even if we carry this Resolution here to-day, I have a serious misgiving that probably it would not wipe the Regulation off the Statute-book Whatever may be the result, whatever fate this Regulation may meet with elsewhere, that should not, I submit, thwart us from our duty We, as representatives of the people, have our duty to the people We are the custodians of the peoples liberties We speak in the name of the people and ask the Government to reconsider the situation and not to trot out those oft-repeated pleas of "Law and Order, recrudescence of crime, the existence of revolution and the difficulty of obtaining evidence" All those difficulties, Sir, all those objections, Sir, have been wiped out with the ink that drew the Report of the Repressive Laws Committee and I, therefore, submit that there is nothing in any of those objections that have been raised

One more word and I have done I was pained to hear a casual remark—let us hope it was only a casual remark—from the Honourable the Home Member when he spoke the other day He said that some of the Members were speaking under an electioneering exigency Sir, whatever may be the position of the Members who spoke the other day, I ask the Honourable the Home Member to reflect and look at the dates of the other Resolutions and the Report of the Repressive Laws Committee Was any election imminent at the time when a responsible committee appointed by Government went into the whole question and drew up its report? I submit it is very easy to criticise but when the Honourable the Home Member

The Honourable Sir Alexander Muddiman Sir, I also notice that it is easy to criticise

Mr T O Goswami The Honourable the Home Member admits that it is easy to criticise

Sir Hari Singh Gour: I am quite certain that the Honourable the Home Member is a past master in that art and the facility that he has acquired is no doubt well worthy of emulation by Honourable Members on this side of the House. It was said by the Honourable the Home Member in replying to one of the statements made by Mr Bipin Chandra Pal that the reason why people do not regard an Englishman as a god in Bengal now is that they have forgotten the sound of the Mahratta horseman.

Mr President: Order, order. Does the Honourable Member wish the House to reach his Bill or not? (Laughter)

Sir Hari Singh Gour: I am glad, Sir, you have reminded me of that anxiety which is oppressing me and I shall, therefore, conclude.

Mr Chaman Lal: Sir, at this late hour I have no desire to inflict a long speech on the House, but one or two speeches that have been delivered here to-day prompt me to add my word of condemnation of Regulation III of 1818. One of those speeches was delivered by Maulvi Abul Kasem. He stands up to-day to support the Government in accepting Regulation III as a part of the laws of this land. Sir, nothing that Maulvi Abul Kasem does or says would ever surprise me. But I must confess that to-day I was a bit surprised. Heine once remarked that whenever he read Plutarch's "Lives of Heroes", he was instantly prompted to mount his horse and go to Berlin and become a hero himself. Whether it is the fact that hearing that Sir Abdur Rahim and Sir Surendra Nath Banerjea were also alleged to be the upholders of Regulation III Maulvi Abul Kasem was also prompted to mount his horse and join these heroes, I do not know. (Laughter) But I have here evidence of the fact that only 12 months ago Maulvi Abul Kasem was of a different opinion, because he voted with us on the question of the repeal of repressive laws. To-day I do not know—I should like to ask the Honourable the Home Member—the reason for this change in his attitude. (Laughter) Sir, the question is, as Dr Macphail has put it, that you have a solid body of opinion as represented by Dr Macphail and his party in favour of such oppressive laws in this country as part of the machinery of the British Government. On the other hand you have a solid body of public opinion which does not believe in the inherent right of Government to keep this sort of legislation on the Statute book. It is a matter of principle. I do not know if Dr Macphail was aware when he tried to twit my friend Mr Goswami, that his own countrymen have died for the cause of righteousness. Does he condemn Wallace and Bruce?

The Revd Dr E M Macphail: I was going to refer to that but did not do so as I did not want to waste the time of the House.

Mr Chaman Lal: The Honourable Member did not refer to that because it is my impression and the impression of all of us who sit on this side that every time a Scotsman, Irishman or Englishman comes out to this country he loses all the noble principles with which he was imbued in his own country. Mr Bipin Chandra Pal talked of the Suez Canal. The Suez Canal has many a sin to its name, and one is that you leave a number of your liberal ideas behind when you cross it. There are other Englishmen, other Scotsmen, other Irishmen who do not believe in these pernicious principles of repression. But it is as a matter of principle that we take our stand upon the point that no human being has any right to rob another of his liberty without bringing him to trial and placing him before

a law court You have a very famous statement set out in the case of Mulligan which was quoted in the last debate I am not going to weary the House with that statement The principle was laid down explicitly that whenever you have turmoil in the country or foreign invasion facing you, then and then only can you institute a system of martial law and that only in the area affected But unless you have those two conditions in existence there is no right that is given to any executive authority to shut down the law courts and put any man in prison without bringing him to trial It is a well known principle of English and American law—and I am proud of the fact as all Honourable Members over there ought also to be—that the world has accepted this English principle of liberty Are you trying to keep India from the acceptance of this civilised principle? Why should India be excluded? What crime has India committed? The Statute says that there are certain conditions which must be laid down before Regulation III can be applied, namely, that the reasons for its application are the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion May I ask whether there is any internal commotion in any part of India to-day? You are trying to lock up a few persons whom you have not the courage to bring to trial Even under the terms of Regulation III you have no authority to put any man in prison because no state of hostility or foreign invasion or turmoil exists If is not right, it is not proper that you should so give up your principles of liberty and of decent government and take cover under the false plea that there is internal commotion and thereby put a few people in prison because you cannot obtain proper evidence against them These persons that you are putting into prison are people who are against you, people who have given you trouble They are not revolutionaries Nobody has proved that You have no right to say that they are revolutionaries My Honourable friend Mr Donovan quoted Mr C R Das Did not Mr C R Das say that these young men had given up their revolutionary principles? (*An Honourable Member* “Yes, three days before”) I do not care whether it was three days or three minutes before Mr C R Das said they were no longer revolutionaries What right had you to send them to prison merely on the pretext that they are revolutionaries? Yet you have the courage, the audacity to put these men into prison without trial I should be ashamed of action like that You who are the great descendants of people like Cromwell and Hampden, liberty-loving people should be ashamed of such action I give your ancestors all the credit for courage and nobility and love of freedom which I miss in the advocates of repression You are trying to uphold a lawless law What else is it but a lawless law? Sir, in England you have the Habeas Corpus Act, which is the right and privilege of every Englishman My Honourable friend Mr Donovan was absolutely wrong when he stated that when in England the Habeas Corpus Act was passed the Habeas Corpus Suspension Act was simultaneously enacted It is not so The Habeas Corpus Act came nearly one hundred years before the first enactment for its suspension The Honourable Member does not know this historical fact And further, every time there is a suspension of the Habeas Corpus Act, the executive Government has got to come to the Legislature and demand its sanction before it can put its suspension into force We ask you to do the same thing, we ask you to take your courage in your hands and

our consent if there is any emergency for you to put into force the suspension of the Habeas Corpus. Sir, that meets Dr Macphail's point. He said it is because this House and public opinion will be in favour of the Government if these things are explained to them that he welcomes debates of this kind, but no, Sir, Government do not care for public opinion, nor do they want this House to express its opinion in this matter. Government are never willing to accept that opinion as final. They are troubled with these opinions because we bring the matter to their notice time and again. They know that there is no justification for this law, they know that they themselves are against the imposition of Regulation III, they have repeatedly stated it. The Honourable the Home Member said the other day that he does not like using these powers. The Viceroy himself said so, he does not like using these powers. Nevertheless these powers are always used. And what justification is there for the use of these powers? There is no internal commotion in the country, there is no fear of foreign invasion, nor has it been shown that the people you are arresting are revolutionaries or that they have committed crimes. If you can rule this country only by methods like these, it is better for you to abdicate. I submit that by the use of these exceptional powers you are bringing into contempt your own vaunted justice, your own courts, your own system of law and order when you say that law and order must be upheld and then in the very same breath you say you must use Regulation III. You are putting a premium upon crime in this country because no one can have any respect for your law and order when he knows that by a mere stroke of the pen you can ignore the existence of your own law courts. You need not bring any man to trial. What need is there to consider the methods by which you will bring a man to trial? You can by a mere stroke of the pen put any man into prison. How then can you ask us to respect your law courts or your system of jurisprudence? Sir, I submit that no case whatsoever has been made out by the Government in favour of the retention of Regulation III. You say there are murders committed with political motives and it is because of these murders and the difficulty of finding witnesses to come and give evidence, that you must use these powers. Is it not a fact that almost invariably these murders have been committed after you have made use of Regulation III? The Day murder has been cited, but is it not a fact that it was after you had used Regulation III against several men that the attempt was made against the Commissioner of Police of Calcutta and that the unfortunate Mr Day lost his life? Crime begets crime. When you have been using methods that I can designate only as criminal, other people have come and replied to you with similar action. It is force, Sir, it is nothing else but naked brute force that you employ in this country, and what justification have you for it? Here is what your Cromwell said. He said what liberty and prosperity depend upon are the souls of men and the spirits which are the men. You are trying now to repress the souls of men.

The Revd Dr E. M. Macphail Who was it who said that?

Mr Chaman Lal It was Cromwell, Sir, who said that and according to the Honourable Member Cromwell would have been a criminal.

The Revd Dr E. M. Macphail I should have said Cromwell was the Government.

Mr Chaman Lal Was he the Government when he unfurled the banner of rebellion? He was not, he was a rebel. Did he not take over the Government after being a rebel? Was he not justifying the theory that

Mr Goswami was laying down on the floor of this House, namely, that attempts to subvert systems of Government based on tyranny are highly moral? My Honourable friend forgets his own history "The historic epochs that men are most eager to keep in living and inspiring memory are the epochs where the mind of man proved itself unconquerable by force" That is what is happening in India to-day The mind of man is proving itself unconquerable You will have time and again men getting up as my friend Mr Goswami got up and preaching to you liberty, the principles of liberty which you seem to have forgotten Sir, we shall go on preaching at the risk of our lives, at the risk of our liberties, in this country I am not afraid of Bolshevik conspiracies in this country as my Honourable friend Colonel Crawford was afraid Bolshevik conspiracies are not hatched in a day The Government know it perfectly well The Government know also that the greatest conspiracy in this country is the Executive of the Government of India (Loud Laughter) We are not afraid of that conspiracy over there (pointing to the official front Bench), but, I beg you not to take cover under these false pleas that there are Bolshevik conspiracies in this country and that therefore you want to utilise these exceptional powers What happens in Great Britain? In Great Britain the Labour movement is permeated with Bolshevism Does the Government ask for exceptional powers or for the suspension of the Habeas Corpus Act? I submit there is no cry even in the most reactionary conservative circles for the use of exceptional powers in order to put down this propaganda there It is a false cry, Sir It is a cry used by the Government in order to put down legitimate political propaganda in this country It has been stated over and over again that it is so and the Government have not been able to disprove it I ask the Government to take then courage in both hands, to utilise civilised methods, to come forward and take any action they want to take against persons whom they consider to be dangerous people or criminals or likely to commit crime, but let them do so under cover of the law, let them not go behind the law and make use of exceptional powers Sir the appeal I make to them is to uphold the principles of liberty and I hope the Honourable Member who represents the Government of India in this matter will not forget the great principles for which he himself stands as the inheritor of a great and noble tradition

Khan Bahadur W M Hussanally (Sind Muhammadan Rural) Sir, I rise in a shameless manner to oppose the Bill before the House Unfortunately my Honourable friend Mr Chaman Lall always imports unnecessary warmth into his speeches and thus spoils the effect

Mr Chaman Lall It is good for old people!

Khan Bahadur W M Hussanally On a former occasion when a measure of this kind was before the House I remained neutral I did not vote one way or the other because I did not find the arguments convincing on one side or the other

Mr Jamnadas M Mehta (Bombay Northern Division Non-Muhammadan Rural) You are improving!

Khan Bahadur W M Hussanally (Yes, my friend Mr Chaman Lall has improved me) But to-day my friend Mr Chaman Lall has thrown me into the opposite scale I had been wavering all day whether I should vote at all or not, and I honestly say that it is Mr Chaman Lall's speech that has made up my mind to vote on this side

Sir, we are told this is a repressive law, and no doubt it is, but so are some other laws. We have got a Bengal Regulation, we have got a Bombay Regulation and a Madras Regulation, but I belong to the sleepy hollow of Sind where these Regulations are never heard of nor are we afraid of these Regulations at all.

Nawab Sir Sahibzada Abdul Qayyum (North-West Frontier Province Nominated Non-Official) What about Lala Lajpat Rai, justifying the retention of repressive laws in the North-West Frontier Province?

Khan Bahadur W M Hussanally Well, that is a matter for you and Lala Lajpat Rai to settle between yourselves. I have nothing to do with either you or Lala Lajpat Rai. But if this is a repressive law, why should my friends on that side be afraid of it? They should not want repressive laws to be taken off. They want Swaraj, they should work on for it, no human being likes to be ruled by any alien Government, surely as an Indian I would not like to be ruled by an alien myself. But why should repressive laws frighten me or my friends on the other side? (*An Honourable Member* "They do not frighten us.") If they are not frightened why should they move that this law be taken off the Statute book? (*An Honourable Member* "We think it is immoral.") Mr Amar Nath Dutt also made an interruption which was inaudible at the Reporters' table. You may go on interrupting me as much as you like, you will not win my vote, you have lost me (Laughter), and you must thank Mr Chaman Lal for it. No amount of interruption now will gain you my vote, to day at any rate. Sir, Swaraj can be had according to me in one of four different ways by fighting by begging by spinning or by suffering. (*Sir Hari Singh Gour* "By spinning?") Wait please, do not be impatient. Fighting is out of the question, I think that is admitted by my friends on the other side. (*An Honourable Member* "Which side?") The Swarajists side, we cannot fight.

Pandit Shamlal Nehru Come on, we will have a try outside.

Khan Bahadur W M Hussanally The fight is only here, not elsewhere. Sir, begging has been given up, we do not want to beg for Swaraj as we have failed to get it in that way. Spinning is the cult of Mahatma Gandhi, that has been discarded, that cult has gone. (*Cries of "No"*) What remains? Suffering. If suffering will bring us Swaraj, why do my friends want the Regulations to be taken off and to be repealed?

Mr C S Ranga Iyer (Rohilkund and Kumaon Divisions Non-Muhamadan Rural) I want the President's ruling whether these observations on Swaraj and suffering and spinning are germane to the subject.

Mr President They are quite germane to the subject.

Khan Bahadur W M Hussanally Well, Sir, if then we are to get Swaraj by suffering, these gentlemen ought to suffer cheerfully, the more those who are for Swaraj suffer under these repressive laws the quicker Swaraj will come. (*An Honourable Member* "What about yourself?") As soon as Swaraj comes I will be the first to go in for it. Why should my Honourable friends ask that this law or that law should be repealed? Even supposing the motion is carried in this House to-day, is there any chance of this Regulation being repealed? Absolutely none. My Honourable friend Mr Amar Nath Dutt expects that the new Upper House will pass the repealing Act if it is passed here. I doubt it very seriously. (*An Honourable Member* "Whose fault?") Therefore, it is no use wasting our breath and

our arguments, we have wasted two days over this business, and it is no use wasting any more time. Sir, the action of my Honourable friends on my right comes to this—"I am prepared to lay my heart, but you must not use a rifle." That is what it comes to, and that, I say, will not win Swaraj one day quicker.

My friend Sir Hari Singh Gour and some other speakers said that the Government were committed to repealing these repressive laws. Well, if they have failed in their duty, why not bring in an amending Bill?

Sir Hari Singh Gour. That is what I have done.

Khan Bahadur W M Hussanally. There is a Bill here amongst the business for to-day which will bring to us habeas corpus. If that Bill is passed we shall have won our object, and if any person is locked up under Regulation III he can be called up before a Judge under that particular Act (*An Honourable Member* "Are you going to vote for it?") That has to be seen (Laughter). You need not ask my vote before it comes up. I will think of it when the time comes. I may vote with you, but I cannot commit myself now one way or the other. Well, Sir, if that Bill is passed, our object will be served, and then whether this Regulation remains on the Statute-book or not, it will not matter a bit. Therefore, Sir, we should not insist upon this Regulation being repealed and waste any more of our time.

Sir, another reason why I have made up my mind to vote against this Bill is, because the name of our revered leader in Bengal, I mean Sir Abdur Rahim, has been dragged into this controversy (*An Honourable Member* "Who dragged it in?") It is a very regrettable circumstance, and that is why I have decided to vote against this motion. With these few words, I oppose this motion.

Colonel Sir Henry Stanyon (United Provinces European). Sir, I will take up very few minutes of the time of the House. I rise only to correct what seems to me to be a serious mistake into which the enthusiasm of my Honourable friend Sir Hari Singh Gour carried him. He made a statement that Government by accepting the Report of the Repressive Laws Committee are committed to the repeal of Regulation III of 1818.

Sir Hari Singh Gour. Sir, on a point of personal explanation. What I stated was a quotation from that very book which I have lent to my friend, namely, that they meant it in accordance with the terms of the recommendation of the Repressive Laws Committee.

Mr President. Did not the Honourable Member know when he lent his book that it would be used against him?

Colonel Sir Henry Stanyon. Sir, if the correct statement of the case is that the Government are committed by accepting this Report, for the loan of which I thank my Honourable friend Sir Hari Singh Gour, I should without hesitation vote in favour of the Bill. Very few minutes will suffice to show the error into which, I think, my friend fell. The Committee write in paragraph 13

"Our recommendation in regard to Regulation III of 1818 and the analogous Regulations in the Bombay and Madras Presidencies is subject, however to the following reservations. It has been pointed out to us that for the protection of the frontiers of India and the fulfilment of the responsibilities of the Government of India in relation to Indian States, there must be some enactment to arm the executive with powers to restrict the movements and activities of certain persons who, though not coming within the scope of any criminal law, have to be put under some measure of restraint."

Here they give an illustration which I pass over and then add

"We are in fact satisfied of the continued necessity for providing for the original object of this Regulation in so far as it was expressly declared to be the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection and the security of the British Dominions from foreign hostility and only in so far as the inflammable frontier is concerned from internal commotion. We, therefore, recommend the amendment of Regulation III of 1818 limiting its application to the objects outlined above."

The report concludes with these words

"Animated by these ideas we therefore recommend the repeal of all the Statutes included in the terms of reference to this Committee with a reservation as to Bengal Regulation III of 1818 and the corresponding Regulations of the Madras and the Bombay Presidencies. But we advise that the repeal of the Prevention of Seditious Meetings Act, 1911, and Part II of the Indian Criminal Law Amendment Act, 1908, should be deferred for the present. Their retention is necessary in view of recent occurrences and possible developments which we cannot but regard with the gravest apprehension."

Now, Sir, the motion before the House is that Regulation III of 1818 should be entirely repealed. I venture to submit that the Repressive Laws Committee did not recommend, nor did the Government accept, any recommendation for the total repeal of that Regulation.

I have only one word to say with regard to the speech of my Honourable friend Mr. Abul Kasem. The substance of his speech was this. We have to choose between two evils, revolution or the possibility of revolution on the one side, and Regulation III on the other.

Mr. M. A. Jinnah (Bombay City, Muhammadan Urban). We have got both.

Colonel Sir Henry Stanyon. Sir Hari Singh Gour told us that repressive enactments have brought about the freedom of Ireland. I do not agree with that view. But if it is a fact, then repressive enactments ought to be welcomed as likely to bring about freedom to India. But we have to look at the matter seriously, without heat and without undue display of emotion. We have on the one side assurances given by responsible officers of Government that there is evidence, carefully sifted in every case but which cannot be made public, which justifies such action as has been taken. On the other hand, we have the assurances of certain Members of this House that this evidence, which they have not heard and which they can not hear, is all false, is quite unfounded, and is wholly concocted for the purpose of repressing political aspirations. That is a view which I feel myself quite honestly unable to believe and to accept. As this is a motion to repeal the entire Regulation, and Government are not committed to any repeal of that kind, I propose to vote against the Bill. (*An Honourable Member*: "We knew that.")

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot Non-Muhammadan Rural). Sir, I move that the question be now put.

The motion was adopted.

Mr. Amar Nath Dutt (Burdwan Division, Non-Muhammadan Rural). Sir, what pained me most was to find a countryman of McSwiney and De Valera supporting the retention of the Regulation on the Statute-book. It was no less pained when he placed the reputation of the Governor General of India and the Governor of Bengal on a higher level than that of Lord Morley. Again, Sir, the strategy that has been adopted for making out

a case for retention of Regulation III on the Statute-book is not calculated to inspire that trust in the good-will of the Government and the integrity of their intentions which must pave the way for co-operation. From Sir Abdul Rahim's Aligarh outburst and his official connection with Bengal, when the Regulation was largely used, and the accident that the obnoxious Regulation has not been hitherto used against Muslims, Mr. Donovan drew the startling deduction that Bengal Muslims were not opposed to the Regulation. This assumption, which was as unwarranted as it was likely to stir up communal jealousies and recriminations, if unchallenged, has been promptly questioned and disowned by the Muslim Members of this House, not only from Bengal but from other provinces as well.

After Mr. Donovan's speech meetings of the Muhammadan community have been held in Bengal supporting the repeal of the Regulation, not excluding the constituency of Sir Abdul Rahim himself, presided over by M. L. C.'s. Sir, in his enthusiasm Mr. Donovan did not hesitate to bring in a comparison of the Regulation with the Ten Commandments, which will be resented by all true Christians, as has been done by the Honourable the Home Member. The man who treats his own Bible in this fashion cannot be expected to have a better appreciation of the Code of Manu. The Honourable Member who represents the Government of Bengal in this House has taken a large sweep from the Manu Dharmasastra and the Bible to the newspaper literature of Bengal. In his opinion, these newspapers create an unhealthy political atmosphere for the young men of Bengal. But has he ever cared to consider the root cause of the same before apothosising the Regulation? Sir, I did not wish to rake up the memories of bureaucratic wrath in my unhappy province, because it is associated with tragic memories of desolated homes and enforced bereavements, and we were assured by the Government in the Bengal Legislative Council, that the present recrudescence of repression had nothing to do with old stories and further because the gracious message of His Majesty the King Emperor in December 1919 gave an assurance that all causes of bitterness should be obliterated. These assurances have some meaning for us but for the members of the Heaven-born service "Law and order" have a brand of their own, and this House has witnessed a confession from one Honourable Member at least that epochs may come and epochs may go but Regulation III of 1818 goes on for ever. My Honourable friend Mr. Donovan has referred to histories of a by-gone time and draws a continuous link of causation for the edification of present day legislators. I for one am thankful that this House should record the respect which the administrators show for solemn assurances of His Majesty. I am also thankful that the present debate has brought to light one more point of view of political philosophy that every government in this country will require a Regulation III so that our countrymen may reasonably infer that this Regulation is never to be repealed. I am also thankful that the free use of the words "contamination", "pitch", "conspiracies", "crimes" shows a mentality in the powers that be, which proclaim them unfit for managing a menagerie, far more managing a civilised government.

Since the days when for internal commotion Regulation III of 1818 was enacted much water has passed down the Jumna, the Penal Code has been framed, sections 120A, 120B have been added, crimes and offences have been defined, "aiding and abetting" have been judicially considered. Still the persons who in all conscience ought to be more careful about their

tongue have used language which betrays contempt for the established order of things. The mentality which framed the Ordinance for Bengal by boiling almost all the sections of the Indian Penal Code in one cauldron is fully in evidence here, and I am thankful for it.

Sir, I am accused of a presumption that I have the voice of Bengal behind me by the Honourable Member who recollects the voice of Bengal spoken by Sir Surendra Nath Banerjea. He juxtaposes the following sentence, obviously with a pregnant suggestion:

' Sir Surendra Nath Bannerji was a member of the Government of Bengal that felt the need of Regulation III for Bengal.'

just utter expressing his greatest respect for his voice. It is no use referring to what Sir Surendra Nath writes in his "Nation in Making" regarding this episode. On the 24th of January, 1924, Mr W. L. Travers, M.L.C., reminded the members of the Bengal Legislative Council that there were in the Bengal Government at that moment five Bengalis who must approve of the policy that is adopted and presumably they confirmed the policy of the Government. It is therefore reasonable on the part of Englishmen to infer that Sir Surendra Nath confirmed the policy of Regulation III. But Sir it is one thing to speak of inferential confirmation and to speak of a voice which is resounding throughout the country, and in the same breath to associate that voice with the need of Regulation III is another story. Thank God notwithstanding the wish of the Honourable Member the mortal remains of the late Tribune of Bengal is not in a grave, otherwise this compliment from his latest admirer would have made him turn thereon. In 1910 Surendra Nath was an aggressive extremist promoting mischief, according to the opinion of that political guru of Anglo-Indian Indian strikers, Sir Valentine Chirol, and to day after his death, they enter with the greatest respect for him to suit the purposes of history. It betrays a narrowness of mind which it is impossible to meet with arguments.

of insinuations and innuendoes are made against him in the safe shelter of this House. I shall not again refer to the specious plea of intimidation of witnesses. Some people are believers in the art of repetition as one of the means of transplanting ideas of their own creation. I do not know which of the alternatives I should admire more, cynicism or perversity, with regard to the mangled remains of the body of the poor young man who, as Pandit Sham Lal Nehru has pithily put it, escaped the Judges only to get murdered by his own people. The other incidents referred to are fit cases for bringing to court, but there is the battery of the Calcutta Bar to frighten the 30 gold mohur and 60 gold mohur Government advocates. The biggest *paluan* of a Bengali Zemindar was being reprimanded for incapacity to fight the dacoits. The *paluan* quietly replied "Huzoor, one of my hands was occupied in holding the sword and the other in holding the shield. How could I fight?" I do not like to outwit anybody in any feat of intellectual jugglery or oratorical pyrotechnic. Nor do I like to wear away any stilted nobility, or a buttressed rank, to have sympathy for our poor Bengali sufferers. Every man is certainly entitled to be wise in his generation, and the glorious examples of Omichand and Munajafar of blessed memory are there to serve as beacon-lights.

Sir, you can have no idea of the wave of grief that overtook the people of Bengal when Victoria, the Good, passed away. But soon after that Lord Curzon's abuse of the Bengali nation on the convocation platform, his design to split up Bengal in order to break up the growing solidarity of the Bengali-speaking race, the passing of the Official Secrets Act, and the Universities Act, came in rapid succession, which created an atmosphere of dislike and distrust of your rule. The warning of Dr Rash Bihari Ghose in the Imperial Legislative Council at the time of the passing of the Seditious Meetings Act was treated with contempt. The people's patience came to a limit, and is it at all strange that a certain section of them may grow more impatient than others? The sections of the Indian Penal Code dealing with offences against the State were found to be sufficient to deal with the actual offences against the State at that time. But the passion for retribution was roused and the Statute-book was crowded with new enactments, one after another, till there is not a single line of social or political activity which has not come under the summary powers of the Executive, and the result has been that passion and prejudice reigned in place of reason and principles. Private animosities were taken advantage of in the name of law and order. In Bengal, besides the imprisonments under various sections of the Indian Penal Code for nearly 8 years, against which nobody complained, 1,700 young men were deprived of their liberty for unknown, unknowable and undefinable offences. Mr Montagu saw through the futility of this, and perceived that the very fact that so many young men of respectable families had to be imprisoned under star-chamber methods, would be sufficient condemnation of the system of government, and withheld the mailed fist for a time. But the intoxication of irresponsible power enjoyed had an exhilarating effect on some, and a nefarious conspiracy was set on foot by that arch-conspirator in England, ~~was~~ Lala Lalaji has thought fit not to name, and who, like the baby in the Pear's Soap picture, won't be satisfied, till he can see the Rowlatt Act condoned and then, and he is lying on his oars now that the Regulation and Ordinances are there. And why was this wanted? Sir Valentine Chirol has given us the clue. "Don't let us throw away our surgical instruments."

is well known that surgical instruments can remain in order only by use. We, Sir, have only one duty to perform as representatives of the people in this House. In the court of Hastinapur, Vidur had only one duty to perform, and that was to point out the path of righteousness on each occasion. He never cared whether his counsel was heeded or not. Our part here is that of Vidur. Sir, you should not think that your duty is over by uttering complacently the platitude "that the readjustment of economic troubles to modern conditions is a long process, it is a matter which must take time." And you are impervious to the sense of shame of providing Rs. 50,000 for the water supply of the whole of Bengal. The additional mockery of the whole situation is this, whenever one of these crying needs is brought prominently to notice a Committee or a Commission is appointed, in the hope that the people, who would get fees, will support your incompetency and inefficiency. While this is the prevalent disease of the body politic, the re-action in self-help amongst the people is looked upon with suspicion as a movement to organise the resources of the country to overthrow the British power. It is a diseased mentality, born of suspicion and distrust, and the application of Regulation III of 1818 only accentuates the morbidity of the situation. The discontent that was planted in Bengal is now casting its shadow over the continent of India. Admit it or not, within one decade, you have proved yourselves wholly incompetent to govern this ancient land of ours with its ancient civilisation. Admit it or not, the mental and moral forces of India which are not and cannot be in the gift of any human agency, are finding it more and more impossible to associate with you during the last decade. Admit it or not, you have by your actions treated the broadbase of peoples' contentment, so emphasised by the gracious message of Queen Victoria, as a mere effeminate sentiment. Since the German war you have been conquered by the philosophy of Nietzsche and each one of you think yourself a superman, feeling only unmitigated contempt for any of our views and viewing with cynical indifference our most tragic grievances. The intolerance of opposition is evidenced by your rattling of the sword in season and out of season. But our duty is to remind you to retrace your steps, repeal this Regulation and all other legislation of the kind, the weapons of the ignorant and the coward. I need hardly remind you that little minds and great Empires go ill together and we the ancient inhabitants of this ancient land of ours, believe in the unexpectedness of happenings. Icebergs may float about to sink the most invincible Titanic. Let me conclude by repeating the lines of our great poet, Rabindra Nath

*" Sasaney jatai ghero
Achhey bal durbalero,
Haoya jatai borho
Achhen Bhagaban,
Amader sakti meray
Torao banchbi naray
Bojha tore varee holay
Doob-bey tarikhan "*

*" Bind them howsoever,
The weak too get the power,
Be you, how so great,
God is greater yet*

*If our strength you do deprive,
Our weakness will not let you thrive,
And when your boat is full of misdeed
It is sure to sink, go down indeed "*

something to do with the economic trouble of Bengal (Official Cheers) And, Sir, that is a Regulation which, at any rate, to my Honourable friend must be of a very pleasing nature (*Honourable Members* "Repeal it" and "No, no") Sir, it has been stated by a very learned Indian revenue authority who by his criticisms procured a reasoned examination of the revenue policy of the Government of India that it was the basis of the distinguished loyalty of Bengal zamindars Sir, I yield to none in bearing testimony to the distinguished loyalty of the Bengal zamindars

Mr. T C Goswami You will soon have to change your opinion

The Honourable Sir Alexander Muddiman I take leave to differ I now proceed to a suggestion that I heard made from one of the Benches opposite It was suggested when my Honourable friend the Foreign Secretary was speaking that the Fugitive Offenders' Act would meet the case that he was putting forward

Mr A Rangaswami Iyengar May I explain, Sir, that it was not the Fugitive Offenders' Act, but it was merely the Foreign Jurisdiction Act

The Honourable Sir Alexander Muddiman Then I will leave the matter at once I quite accept my Honourable friend's statement It was a slip of his We are all liable to make mistakes I make them frequently

Now, Sir, when Colonel Crawford was addressing the House it was suggested that he could know very little about those foreign influences which are a source of great anxiety to all who have the good of this country at heart That doubt, Sir cannot, at any rate, be entertained against me I have a considerable amount of information which perhaps is not open either to Colonel Crawford or any other Member of this House I may say that the evil, the danger is undoubted and considerable

Now, my Honourable friend was good enough to read to us an extract from the *Times*, I think it was, regarding the Oxford Labour Union

Mr T C Goswami No, it was from a press report which I saw in an Indian paper

The Honourable Sir Alexander Muddiman I very often come to this House with information which I cannot give to the House The House is a little doubtful at times, but it is not unreasonable that it should be I will now give my Honourable friend a little information connected with the University to which he is rightly so attached This is from the *Times* of Tuesday, January 26th, which I was reading in bed this morning I thought my Honourable friend might be interested in it It runs thus

"Sir

In the issue of the *Times* for the 9th December there appeared a notice that members of the University of Oxford had been endeavouring to induce Indian students to join the Communist Party The Vice-Chancellor and Proctors, who had not previously been informed of the charge, investigated the statement and found it fully substantiated The evidence on which they based their decision came to them quite independently of the Delegacy for Oriental Students They have seen the undergraduates implicated and have required them to sign the following promise, with the alternative of being expelled from the University"

—I will not read the promise but read on—

"Both the undergraduates consented and have signed the undertaking

Yours faithfully,

J WELLS, *Vice Chancellor*"

The Minister, one form of activity that has been going on. I could not at one time have brought this matter before the House though it was true a time or two ago.

Mr. Chaman Lall What is wrong about it, may I ask?

The Honourable Sir Alexander Muddiman It is nothing to him nor to me.

Mr. Chaman Lall It is nothing to you. It is merely freedom of speech.

The Honourable Sir Alexander Muddiman Freedom to infect the lads with their idea of freedom. Infect them with the desire to overthrow the Government which has established one of the best and meanest systems of education.

Mr. Chaman Lall Do I understand that the Honourable Member would like to keep away from Oxford students?

The Honourable Sir Alexander Muddiman No, but I would not like to be concerned by revolutionary activities. As my Honourable friend rightly said the line between legitimate political agitation and revolution is sometimes difficult to mark, but there can be no doubt surely of the necessity of stopping the lads to join in conspiracies against the Crown, to ask lads in college away from their home and guardians, in a foreign country it is a terrible and dangerous age to embark on these affairs. I should have thought that there would be no one in this House who would have taken exception to that statement. (Applause)

Mr. Devaki Prasad Sinha That is all in England. Such a state of things does not prevail in India.

The Honourable Sir Alexander Muddiman Do the lads stay in England, or do they come back here?

Mr. Devaki Prasad Sinha They get their infection in England.

The Honourable Sir Alexander Muddiman Sir, that is my position. Colonel Crawford need not have appealed to an article in a newspaper. He could have appealed to the result of an inquiry held by an authority which even this House will believe, the Vice Chancellor and Proctors, and even the Home Member cannot bias that authority. Moreover

Mr. T. C. Goswami That action has been condemned by the body of undergraduates.

The Honourable Sir Alexander Muddiman Believe me that leaves me cold. An entirely independent authority investigated this matter and found that these subterranean and cowardly methods were being adopted.

I have not much more on which I wish to detain the House. I too rather deprecate, Sir, the attack made on Mr. Donovan in the suggestion that because he is a nominated Member and an official his honesty is impugned.

Mr. T. C. Goswami: Not at all, I did not say that. I said that in the case of some of the officials, in the scheme of nominations they come here only for a Session or so, and cannot be in touch with the run of business here.

The Honourable Sir Alexander Muddiman: I should have thought that experienced gained as a Bengal Civilian might have been more valuable than the attending of debates in this House. One would have thought that in Bengal one would have sought for information rather than in this House.

Mr. T. C. Goswami: Not from the Bengal Government.

The Honourable Sir Alexander Muddiman: Now, Sir, I wish to make it perfectly clear to the House that these powers, as some one said, are a source of no pleasure to me or to the Government of India. We have retained them because we feel we need them and must have them. I wish to make it clear also that, as far as we can, we use them within a very limited scope. Some Honourable Members may be interested to know the exact facts as regards the figures. The figure is now 16, I think the last time I mentioned it to the House, it was 19. I say that because we do wish, as far as we can, to reduce the number of men under restraint.

Mr. T. C. Goswami: How many of them have been transferred to the Ordinance section?

The Honourable Sir Alexander Muddiman: That is an entirely different question.

Mr. T. C. Goswami: From the frying pan to the fire. It is merely book adjustment.

The Honourable Sir Alexander Muddiman: Far otherwise, and the Honourable Member knows that is not so. The object of transferring them to the Ordinance is to enable a lesser form of restraint to be shown. We do not desire to impose restraints in excess of what is necessary, or what we think, however wrongly, to be necessary. The debate has ranged over a large area and many points taken up have been answered by previous speakers, and therefore I cannot be expected to go over the whole debate again. I put the case to the House as I put it before and as I shall continue to put it. For the time being these powers are necessary. We desire to use them in as limited an area and to as limited an extent as possible. We try—I cannot say more because, after all, no human being can say more than that—we try to sift and examine the evidence that is placed before us to the best of our ability, and we try, as and when the time comes, to reduce the restraints to a minimum, and therefore I ask the House to reject the motion before them. (Applause)

Mr. President: The question is

“That the Bill to repeal the Bengal State-Prisoners Regulation, 1818, be taken into consideration.”

The motion was negatived by 49 votes against 46.

PART II.

COUNCIL OF STATE

Tuesday, 9th February, 1926

INAUGURATION OF THE SECOND COUNCIL OF STATE

His Excellency the Viceroy with the President of the Council of State having arrived in procession, His Excellency took his seat on the dais

HIS EXCELLENCY THE VICEROY Gentlemen of the Council of State, I have summoned you to-day because I desire to welcome you at the beginning of the Session of your Chamber. The first Council of State concluded its labours in September last and dissolved. The body I see before me to-day has since come into being as a result of new elections and nominations and is about to begin in the present Session to exercise its important functions as a vital part of the constitutional machinery of the government of the country. In my address to the Members of the first Council of State at the close of their final Session, I dwelt upon the nature of those functions and expressed my appreciation of the conception of their duties which had been formed by the Members of the first Council of State and of the able manner in which those high responsibilities had been discharged in the interests of India. It is more particularly, in view of these considerations and in order to mark my regard for the important position of this Chamber in the constitutional structure and my esteem for the public services to the people and the administrations rendered by it in the past, that I desired to offer welcome and encouragement to those to whom it will now fall to carry on the traditions of this Chamber and to exercise the influence assigned to it by the constitution.

Among the Members I see the faces of a number of old acquaintances who were Members of the first Council of State. By their work in this Chamber they have already displayed the high qualities of their experience, sobriety of judgment, sense of duty and devotion to the best interests of India. I welcome them again to the Chamber. I also welcome those who are new Members. With some of the latter I have already formed personal acquaintance, and others are known to me by the record of their public work. I congratulate them on the wide field of interest and activity which their admission to this Chamber opens to them. I am confident that I can rely upon them in their actions to bear in mind the weighty responsibilities assigned to this Chamber in the constitution and ever to strive, after careful consideration and according to the dictates of their judgment, to arrive at those conclusions upon the difficult questions coming

before them, which are best calculated to conduce to the greater happiness and progress of the people and to the maintenance of the highest standards of administration in India

I do not propose to day to enter upon a review of questions of general interest in India, as I have recently addressed the Legislative Assembly, but I shall briefly allude to certain matters of special interest at the present time

I greatly appreciated the action of the Members of the Legislative Assembly in regard to postponing the discussion of the Resolution upon the situation in South Africa. Debate at that moment might have prejudiced the delicate and critical negotiations in which I and my Government are engaged with the Government of the Union of South Africa. I can assure the Indian Legislature that in these negotiations we have taken and are taking every step which, to the best of our judgment, is calculated to help in arriving at a solution satisfactory to Indian opinion of this difficult problem. I have given anxious thought and my close personal attention to every step we have taken, and I gratefully acknowledge that the attitude of the Indian Legislature and the Standing Committee has been a strong support to me throughout these negotiations. I must ask the Legislature to have a little further patience notwithstanding the news from South Africa in this morning's press telegrams, and to continue to trust in our efforts. I wish it had been possible to explain the situation more fully to you, but I am sure that you will understand why I refrain from adding to the statements I made recently in addressing the Legislative Assembly.

I feel certain that this Chamber has been interested in the announcement of the decision to appoint a Royal Commission on Agriculture. This Chamber has always taken a lively interest in this subject. In July, 1923, the Honourable Sardar Jogendra Singh moved a Resolution for the appointment of a Committee by Government to consider questions, nearly all of which fall within the scope of the terms of reference of the Royal Commission now to be appointed. In February, 1924, the Honourable Mr. Sethna advocated the appointment of a Committee to make a survey of the economic conditions of the people of India with special reference to the condition of the agricultural population, and on the 5th of March in the same year Sardar Jogendra Singh moved a Resolution advocating a further survey of irrigation possibilities. All these Resolutions had the same object in view, that is, an increase of agricultural productivity and the improvement of the economic conditions of the rural population. The first of the three motions was lost, but the two latter were adopted. In addressing the Legislature in September last, I laid stress on the importance attached by me and my Government to these representations. I then stated that I hoped to secure the general object in view by the operations of a Central Board. It appeared at the time that a general inquiry by a Committee or Commission might be open to some objections and might possibly hinder the projects of the Local Governments. A closer examination of the problem has, however, convinced us that the machinery of a Board would be inadequate to secure the far-reaching results for which we all hope. It appeared imperative, having in view the great importance of this subject to India as a whole and the large numbers of persons in India wholly dependent upon agricultural operations, to constitute a special body which might be calculated to bring to the task a wider store of experience, a more detached angle of view and a greater authority than we

could hope to obtain from a Central Board. A body of this character, in our opinion, appeared to be in a better position to devise effective measures for the expansion and co-ordination of agricultural efforts in India and to give real assistance, based on the fruits of the latest practical and scientific experience elsewhere, to the Ministers and Departments of the Local Governments to enable them to obtain the best results from their activities. It was in this conviction and after consultation with the Secretary of State and Local Governments that we finally framed our recommendations to the Secretary of State for the appointment of a Royal Commission. Let me once more make plain that our object is to expand and strengthen the operations of the Ministries of Agriculture of the Local Governments and to assist them with information and suggestions, which might not otherwise be available to them, for still further supplementing their achievements. It is not desired in any way to curtail their powers of initiative or action—quite the reverse. At the same time, care has been taken not to overload the inquiry by entrusting to it the examination into certain other important subjects connected with agriculture. These problems have technicalities of their own and vary in character in each Province. They already engage attention of the Local Governments and are in many cases the subject of legislative proposals in the Local Legislatures.

You will doubtless have observed that there has been criticism hinting at some dark political motive in the appointment of the Commission. It is unnecessary, I feel sure, for me to repudiate the suggestion. The improvement of the premier industry of this country and the advancement of the interests of the most numerous class in India appears to me, as I have no doubt it also appears to you, to be a purpose wholly beneficent in its scope and outside the sphere of political controversy. It has long been the subject of consideration by me and my Government and by the Legislature. I rejoice that it has been my good fortune to announce the decision during my term of office and that it will fall to the lot of my distinguished successor, who is specially qualified in this respect, to deal with the recommendations that will be made.

My Government have recently had under their consideration the adoption of a new policy regarding opium which is in accordance with the trend of opinion in a number of other countries and also with views that have been freely expressed in some quarters on different occasions in India. We have very carefully examined the new obligations undertaken by us under Article 1 of the Protocol to the Convention of the Second Opium Conference at Geneva, "to take such measures as may be required to prevent completely within five years from the present date the smuggling of opium from constituting a serious obstacle to the effective suppression of the use of prepared opium." As a result we have come to the conclusion that in order at once to fulfil our international obligations in the largest measure and to obviate the complications that may arise from the delicate and invidious task of attempting to sit in judgment on the internal policy of other Governments, it is desirable that we should declare publicly our intention to reduce progressively the exports of opium from India so as to extinguish them altogether within a definite period, except as regards exports of opium for strictly medical purposes. The period to be fixed has not yet been finally determined, as before arriving at a decision it is necessary to consult the Government of the United Provinces regarding the effects that the resulting reduction in the area cultivated with opium will have on the cultivators in that Province.

We further propose to discontinue altogether the system of auction sales of opium in India as soon as the agreement for direct sale now being negotiated with the Government of French Indo-China is concluded. My Government hope at an early date to move a Resolution in both Chambers of the Legislature in order to give the Members of the Legislature an opportunity of expressing their views on these important proposals.

Since I last addressed the Legislative Assembly on the 20th of January, I have received an important communication from His Majesty's Government on a subject which I feel sure you will welcome. The question of taking the first steps towards the creation of an Indian Navy had been under the consideration of my Government for some time past. This was one of the tasks to which Lord Rawlinson devoted much of his energy and time before his lamented death. The inclination of my Government to take concrete measures was strengthened by the strong recommendation of the Mercantile Marine Committee to reorganise the Royal Indian Marine on the lines of a combatant naval service, and after a careful preliminary examination of the problems and a full consideration of the advice of several naval experts, my Government during last cold weather decided to invite a Committee, under the presidency of Lord Rawlinson with Vice-Admiral Richmond and Sir Bhupendra Nath Mitra as members, to formulate definite proposals. The report of this Committee will be published to day. Their recommendations were accepted in general principle by my Government and forwarded to the Secretary of State for approval.

I am now in a position to make the following announcement as regards the decision of His Majesty's Government —

“ Subject to the necessary legislation being effected, it has been decided to reconstruct the Royal Indian Marine as a combatant force to enable India to enter upon the first stage of her naval development, and ultimately to undertake her own naval defence. Subject to the approval of His Majesty the King Emperor, the service will be known as the Royal Indian Navy and will fly the White Ensign. Its functions in peace time will be as defined in paragraph 3 of the Report of Lord Rawlinson's Committee. Its most important aspect in the early stages will be that of a training squadron. It will train the *personnel* for service in war. For this purpose it will become from the first a sea going force. In addition in peace time its functions will include the services required by the Government of India in the Indian Ocean and Persian Gulf, the organisation of naval defence at ports, marine survey in the Indian Ocean and marine transport work for the Government of India. The fleet will consist in its first stage of development, of the vessels enumerated in paragraph 4 of the report. The inauguration of the Royal Indian Navy will be entrusted to the *personnel* of the existing service, subject to any necessary readjustment of cadres, and Indian gentlemen will be eligible to hold commissioned rank in that service. The changes which this policy involves will be carried out as soon as an agreement has been reached, in consultation with the Admiralty, and with other authorities whose expert advice and assistance will be necessary, on detailed questions of administration, organisation and finance.”

I need not emphasise to the Honourable Members of this Chamber the significance of this decision. It embodies an important principle. Thinking men in India have long desired the creation of an Indian Navy for India capable of defending her coasts, her harbours and her commerce. That laudable ambition will now have its scope.

Let me dwell for a moment upon two features in the announcement. To the imagination of those, who understand the traditions of the British Empire, the privilege granted to the Indian Navy of the future to fly the White Ensign should appeal with special significance. India by this privilege is directly admitted at the outset of her naval career to share in

the record of the centuries of proud and gallant traditions for which that Ensign stands

It is a high privilege, it carries with it the great responsibility of rendering service worthy of the honours conferred. Even to embark on the first stage of the performance of those duties, which the greatest Navy in the world has been performing, is no light task. Nevertheless I feel sure that it will be courageously undertaken as a vital part of India's natural ambitions and hope.

To Indians a new and honourable career of national service has been opened. The recommendation of Lord Rawlinson's Committee has been accepted that Indians desiring to qualify for Commissions in the Indian Navy should receive special facilities for suitable education in earlier years and later for technical training in the naval profession. I look to those who elect to set out on this career to use every effort to fit themselves for their task to foster an *esprit de corps* and to found here in India those traditions of high efficiency and courage which the pages of history commemorate as the proud possession of the Navy of Great Britain.

Much constructive work remains to be done before there is a Royal Indian Navy in being. Legislation will be necessary. Ships must be acquired and specially equipped for commission in Indian waters. Details of organisation and finance have to be examined. Careful and thorough preparation will be called for. These processes, which will take some time, are on hand and will be completed with the least possible delay. These are matters of detail, though of great importance to the success of the project; and I do not propose to discuss them to-day, many of them are referred to in the report now published which explains the frame-work of the project. I need only at the moment mention that from the preliminary estimates it appears that the creation of the Indian Navy in its initial stages is not expected to involve any large addition to public expenditure. Of more importance than questions of detail is the acceptance of the policy of the creation for India of a naval service of her own. I am confident that this great opportunity will be welcomed and turned to the best account for the lasting benefit of India.

In my address at the opening of the Session of the Legislative Assembly I referred to the creation of a Rates Advisory Committee and to the important functions with which the Committee would be entrusted in the administration of our railways. It may be of interest to many in this Chamber to know that I have offered the presidency of this Committee to Sir Narasimha Sarma, who was formerly Leader of the Council of State, and that he has agreed to serve in this capacity. I feel sure that his appointment will be welcomed both by his former colleagues in this Chamber and by the public generally.

I was indebted to the late Council of State not only for the work performed on behalf of India in the Chamber itself, but for the eminent services of individual Members of the Chamber on important Committees and Commissions. I feel sure I can rely on the Members of the present Council of State for the same measure of support and help. I note that Sardar Jogendra Singh, who was a Member of this Chamber, in spite of having undertaken the responsible and arduous duties of Minister in the Government of the Punjab, has intimated that he will gladly continue to serve on the Indian Sandhurst Committee, and Mr. Sethna, who is a past and present Member of the Council of State, has undertaken the heavy

obligation of proceeding to England and elsewhere for three months as a member of the same Committee in order to study military training institutions. I appreciate this keen desire to perform public service even at personal inconvenience, and I gladly bring to notice these instances of the spirit which animates the Members of this Chamber in their outlook on their responsibilities to the public.

When I last addressed this Chamber I expressed my gratification that the observations made by me in my speech to the Indian Legislature at the opening of the last Session had been correctly understood in this Chamber, and that my desire to see a spirit of more friendly co-operation and goodwill had been appreciated. There were two considerations of importance. In the first place by the evidence of a spirit of this character an earlier appointment of the Statutory Commission might be secured. I understand that this is the aspiration of all in India whose avowed desire is to attain political progress by constitutional means. Not less important is the other consideration that by this spirit alone a better political atmosphere would come into existence and prevail at the time the Commission commenced its inquiry. I brought those considerations to the attention of this Chamber on its dissolution, and I again commend them to the notice of the reconstituted Council of State. Without the existence of conditions in which forms of responsible institutions can develop harmoniously, the results of an inquiry by a Statutory Commission may fall short of expectations. Let us remember the intentions of Parliament as expressed in the Preamble of the Act: "And whereas the action of Parliament must be guided by the co-operation received from those on whom new opportunities of service will be conferred."

It is thus made clear that proof of genuine goodwill in the direction of working the constitution to the best advantage will be regarded by the British Parliament as an important factor for their guidance in determining the course to be pursued in the immediate future. If this view is correct, and I can scarcely conceive the possibility of contradiction, and as the future stages of advance must be decided by the British Parliament, would it not benefit India's political progress to provide plain and unambiguous evidence of this goodwill? I dealt at some length with this aspect of the constitutional question in my recent address to the Assembly. I expressed my regret that the Legislature had not availed itself definitely of the opportunity afforded to it, and that the spirit manifested in the offer by His Majesty's Government had not met with a more ready and complete response. No useful purpose would now be served by repeating the tenour of my observations.

They were intended to help India and were conceived to the best of my judgment in the true interests of Indian political progress. In some quarters they have elicited comment and criticism which seem to indicate a complete misunderstanding both of the purpose I had in view and the spirit that animated me. I feel sure that I run no such risk in this Chamber and that I may look to it with confidence for greater encouragement in my expectations. Once more let me solemnly assert my profound conviction that it is along this avenue that the aims and aspirations of India may the more quickly be attained, and that true prospects of peaceful progress may the more surely be found. I still cherish the hope that India will not tarry in pursuing it.

Thursday, 25th March, 1926

FAREWELL SPEECH DELIVERED TO THE COUNCIL OF STATE
AND THE LEGISLATIVE ASSEMBLY BY HIS EXCELLENCY
THE VICEROY

His Excellency the Viceroy I have come to address you for the last time, to bid you a very regretful farewell. The Session is almost at its end, in a few days I shall say good-bye to this historic city, to wonderful India, and to the responsible position I have held during the last five years. The period of the Viceroyalty is but a very brief span in the life of India, yet these last five years have, I believe, a significance, which may not be fully appreciated until events have fallen with the lapse of time into their true perspective, and the relative importance attributable to incidents that have loomed large on our horizon has been duly weighed and recorded. It may, and I hope will, be chronicled by the historian that the foundation of responsible self-government in India was well and truly laid during this period, although it may be that some who were actively engaged in the operation chafed at what they regarded as the slow rate of progress and grumbled because they were not permitted to place the crowning dome on the edifice before the base had been made capable of supporting it. During these years since the inauguration of the Reforms we have travelled together—for you are aware that the Governor General is a component part of this Legislature—along new and hitherto untrodden paths, often hindered by obstacles and beset with difficulties, and in the earlier days not infrequently within the sound of raging tempests without. We have not always been in agreement, indeed this was scarcely to be expected. Sometimes there have been sharp conflicts. Occasionally I have felt bound to exercise the special powers vested in the Governor General. However strongly some may have criticised these actions, I feel sure you will not have doubted that they were dictated solely by my conception of the solemn duties entrusted to me. I have myself never failed to recognise that the differences between myself or my Government and Members of the Assembly have arisen from honest divergences of opinion mainly as to the methods to be pursued and as to the time of advance in the constitutional domain. There has been no difference in purpose, we have striven to attain the same end, the prosperity and happiness of India.

The sands of my office are running out, and I do not wish to dwell unduly to-day on our points of difference. Rather would I concentrate upon our points of agreement, which have been far more numerous and have led to results of greater importance than are perhaps always acknowledged in the turmoil of political controversy and agitation.

I came to India with a special mandate to guide the working of the Reforms, in which I took keen personal interest. During the whole period of my office my labours have been largely devoted to carrying out this policy, and my energies have been to a great extent concentrated on this question. Many problems of Commerce and Industry, of Finance and Economics, of Railway Development, Tariffs and other subjects of vast importance to India have also engaged my attention. I have had opportunities of surveying these fields of activities, my purpose to-day is to refer very briefly to a different sphere of activity of wide importance to India and of special interest to the Legislatures. As I am addressing you for the last time, when the reins of my office are about to be transferred to my successor, I shall make but few observations on the political situation.

I have striven throughout to place my views clearly before you in order to remove possible misconceptions regarding the objects I had in mind, and to acquaint you with the course along which I desired to steer the Ship of State, to-day I shall refer only to a few aspects of the political problems

Although much attention is constantly devoted in India to political and constitutional change, I am often inclined to think that the great importance attributed to the Reforms in England at the time of their inauguration and subsequently is not sufficiently realised in India. The Reforms initiated in the first place a new departure in the relations between England and India, they put India on the road to the realisation of more complete unity and higher national self expression. In the language of His Majesty the King-Emperor the new Constitution took its place "among the great historic measures passed by the Parliament for the better government of India and the greater contentment of her people". His Royal Highness the Duke of Connaught arrived in India with a special message of sympathy and encouragement from His Majesty to inaugurate the new Legislatures, and in His Majesty's charge to me as Viceroy and Governor General a month later the following special instructions regarding the working of the Reformed Constitution were embodied "*For above all things it is Our Will and Pleasure that the plans laid by Our Parliament for the progressive realisation of responsible government in British India as an integral part of Our Empire may come to fruition to the end that British India may attain its due place among Our Dominions*". The execution of these instructions has been a solemn obligation upon me during these five years, with full cognisance of the importance and implication of this policy, I have omitted no step which was likely, in my view, to conduce to its successful realisation. In my efforts I have had the support and encouragement of His Majesty's Government, and though I have been associated with five Prime Ministers and four Secretaries of State for India during my term of office, there has at no time during that period been any change in the main stream of this policy. There has been no desire to divert it from its channel or to alter its course, the goal of British policy remains to-day, subject to the fulfilment of the essential conditions by India, what it was when I assumed my office, that is, "the progressive realisation of responsible government in India as an integral part of the British Empire". I have recalled these considerations to you in order to emphasise that the policy of His Majesty's Government is definite and stable. It has not changed with successive Governments, in this respect it will not change with successive Viceroys, for my distinguished successor, Lord Irwin, prior to his departure stated that it would be his endeavour to forward whole-heartedly the advancement of India towards full self-government on constitutional lines. Nevertheless, looked at merely from the Indian point of view, the great significance of the Reforms is still at times misunderstood or underrated. Yet they give what India never had before—a guarantee by Parliament for her political progress. They open the door to the attainment of a new national status and dignity, they give an opportunity not offered before to enter into more intimate relations with England and the Empire and enable India gradually to build up her own responsible institutions within the Commonwealth of nations forming the Empire. I lay emphasis on all these considerations to-day, because as the result of my five years intimate connection with India, I have learnt to place a greater value on the new Constitution than when I first set out from Home. I am aware that it

is said that the inspiration of the policy finds its origin in democratic institutions which are especially British in character and cannot be applied to India. But Indians will be the first to assert that these ideals during a long association with British rule have become ingrained in the minds of Indians as among the essentials of national progress. No useful purpose would be served by disguising from ourselves that there are inherent difficulties in adapting British democratic institutions to Indian conditions, but these must be confronted by India and her political leaders. The essential principle underlying English institutions is based on a fundamental unity of sentiment and on a general desire, in issues of cardinal importance, to waive the claims of individual or sectional advantage for the benefit of the common weal. India's internal conditions are not naturally conducive to solidarity. People of different races with separate historical antecedents and conflicting ideals of culture India possesses various elements which do not tend towards unity. Sharp inequalities of development in education and civilization divide men, creeds and castes tend to separative influences. The administrative problems are not less complex, but I shall not pursue the enumeration of difficulties. My purpose in referring to them is to emphasise again that they cannot be relegated into the background, they cannot be disregarded, they force themselves in India at every turn to the forefront. Communal differences have become more acute as all India knows. I need not elaborate them. I mention them because they loom large in India and they are not merely superficial. They have their roots deeply entrenched and will not easily be extirpated. All thoughtful men in India realise the situation, it would be idle to attempt to refer even cursorily to the political conditions of India without mention of it,—but there to-day I must leave this momentous problem in the hope that Indian patriotism and Indian intellect will help to find a solution.

Now when my return to England is imminent, and I have given long and deep reflection to the position of India under the new Constitution, I have felt it incumbent upon me to state my views to you, to offer them in the friendliest spirit and with the purpose of securing your whole-hearted good-will and co-operation in the administration. I am not for one moment suggesting that the Constitution in its present form is perfect and that it will not require revision and amendment and adaptation to conditions in new developments. This will form the subject of a great and momentous inquiry at a later date. The necessary conditions to ensure its appointment earlier than the statutory date have been too frequently stated by me and my Government to need repetition. Even so my observations are constantly misunderstood notwithstanding that I have been at pains to correct misinterpretations. In particular, I desire to emphasise that I have never required complete or abject surrender of any political party or section. I earnestly trust that my successor may be more fortunate than I in this respect and that he may find in the new regime that clear and unambiguous expression of good-will and desire for harmonious relations which I have sought to obtain.

Unfortunately the years immediately following the introduction of the Reforms could hardly have been more unavourable to their growth. A ferment of unsettlement of feeling was at work in India as elsewhere in the world. Besides these developments India's finances were crippled, her trade and commerce were enveloped in a heavy cloud of economic stagnation, a great section of the Indian people were also troubled regarding

the fortunes of an Empire closely associated with their most precious religious sentiments and beliefs. These conditions caused the acutest anxiety to me and my Government, and throughout these early years, in addition to the heavy burden of developing the new Constitution, we were faced with the constant necessity of dealing with a succession of critical developments, which not only impeded the working of the Reforms, but menaced at one time their very existence. It is freely and fully acknowledged that there is a great change in the present atmosphere, peace reigns on our borders, internal disturbances have been set at rest, law and order have been vindicated and established, the financial situation has been stabilised with beneficent reactions on the nation-building activities of the Reformed Constitution, conditions have been created which give fair prospect for trade and commerce in the development of India's resources, the anxieties of the Indian Moslem population have been allayed. Looking back over these early years I again gladly acknowledge the support given by the Indian Legislature to the Government in many important steps taken in critical situations.

I have had one other purpose in mind in making this brief summary. Quite recently Lord Irwin in a generous reference to myself claimed that credit should be given to the Viceroy when the results of his administration were deemed satisfactory. I will add that, if credit is to be attributed to me in any degree for any of these results, it should in fairness be very fully shared by those associated with me in the heavy burdens of the Government of India. No Viceroy can possibly have received more loyal and devoted service than I during these five years in which it has been my good fortune to have the great advantage of most skilled and capable assistance, not only from the Members of my Council, but also from those who have otherwise been called upon to contribute to the administration.

And now let me abandon political discussion, and for a brief moment turn to personal considerations. Throughout my address to you to-day the sad reflection dominates my mind that it is the last of these occasions. I should not be human if I could remain unmoved in the face of my impending departure from India. The memories of these years will always be treasured by me. I cannot refer to them without associating Her Excellency in these expressions of profound regret at departure. For the moment all controversies are forgotten. I think only of the many acts of thoughtful kindness and sympathetic friendship throughout our stay in India. Inevitably my thoughts turn to the generous assistance Her Excellency and I have invariably received from India from Members of the Legislature and from all classes of the public in our labours in the cause of suffering humanity. Her Excellency with the true instinct of woman and mother has made this her special avocation, and I know that she leaves grateful hearts behind her.

While I have been in India I have always striven to labour for her best interests. I have regarded myself as a link with her imperial connection charged with a mission to advance her greater destinies. I have kept an impartial mind, free from the trammels of parties or interests and fully pledged to the implications of her particular institutions. I may not have always succeeded, for human effort has its limitations, but believe me that to the best of my ability I have never fallen short in sympathy for India or desire to serve her. I take away most kindly recollections of her and she will always be in my thoughts. It is in this light that I

would wish to dwell in your hearts also—as one who did his best to serve India

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Wednesday, 17th March, 1926

MESSAGE OF GRATITUDE FROM THE COUNCIL OF STATE TO THEIR EXCELLENCIES THE EARL AND COUNTESS OF READING

THE HONOURABLE SARDAR CHARANJIT SINGH (Punjab Nominated Non-Official) Sir, I beg to move

“That this Council do convey to Their Excellencies the Earl of Reading, Viceroy and Governor General of India, and the Countess of Reading on the eve of their departure from India, the humble expression of the Council's grateful appreciation of and heartfelt gratitude for all that Their Excellencies have done for India”

I am sure in doing so I am voicing the feelings of the whole Council. It is, therefore, hardly necessary for me to make a long speech in commending my motion for the acceptance of this House.

Not only had His Excellency's fame as an eminent judge of exceptional ability, as a sound financier, and as an experienced administrator preceded him to India, but we know that long before he came out to India His Excellency had laid India under a debt of gratitude by his successful mission to America. We know that as Ambassador to the United States he persuaded the Government of that country to place at India's disposal all the silver necessary to prevent a crisis here.

He is the first Lord Chief Justice of England to exchange a high post at home for the hard and arduous work in India. The expectations which were raised by his appointment were very high indeed. They are equalled only by the remarkable success which he has achieved. Who does not remember the dark clouds which overcast the Indian horizon when His Excellency, the Earl of Reading, assumed the Viceroyalty, and who will deny the great change which has since taken place? Heavy storms of violent and harmful propaganda were raging in the midst of angry surges of unrest and disorder. Non-co operation was rampant, Muslim opinion was considerably agitated over the Khilafat, the financial situation due to war was at its lowest ebb, the economic problem was its worst, and the industrial state of the country was a matter of the deepest concern. The great Reforms under which we are meeting here to-day were in danger. Therefore, the task before him was of unusual delicacy and exceptional complexity. But we know how he approached it. He approached it with that sympathy and good-will which we had been led to expect of him and which alone afforded the solution. Through the wise and statesmanlike policy pursued by His Excellency the situation in all these respects has improved, and improved beyond all expectations. In the matter of the Khilafat Lord Reading's Government displayed the greatest tact, judgment and foresight. It is obvious that no amount of political agitation in India could have solved an international dispute, but so well conceived and so well directed were the efforts of His Excellency that a satisfactory solution was reached.

With regard to non-co-operation, when one had begun to despair of the general public opinion returning to saner channels, in which it had always run, there came the farsighted and statesmanlike policy of His Excellency's Government which enabled the people to see their way

then proper perspective, to abandon their extreme demands and to revert to sober modes of thought

The troubles I have referred to would have constituted an extraordinary burden for the shoulders of any Governor General, but when one thinks of the economic, industrial and financial depression which was prevailing over the country in 1921 one is left to wonder how the present improved situation is brought about. There has been a remarkable revival in trade, the industries of the country are steadily improving, and in the domain of finance the improvement has exceeded the most optimistic calculations. When owing to the war a series of deficit Budgets had cast a gloom over the country one could hardly imagine where the increasing taxation would land the people. But to day we are all rejoicing over a second prosperity Budget. The severest critics of the Government will not be able to withhold from His Excellency's Government the credit which is due to them for the manner in which the finances of the country have improved. It has been possible to raise large loans without going to foreign markets, and India's credit has risen high in the world. It is particularly gratifying to notice that although no direct reduction has taken place in taxes, it has been possible to make remissions in provincial contributions and to send a message of hope to the nation-building departments which, under the Government of India Act, are the special care of the Ministers in the Provinces.

The great Reforms had been characterised by a certain section as unsatisfactory, inadequate and disappointing. One section of the politically-minded classes had stood aside from the new Legislatures. The atmosphere in which the Reforms were inaugurated could not have been more depressing. No wonder, then, that some people thought that the Reforms were dead before they were born. But the last five years present incontrovertible proofs of the success of the Reforms and clearly show that the Reforms have not been by any means inadequate or disappointing. To take only some of the achievements of the last five years, repressive laws have gone, and with them the Press Act which was an eyesore like to advanced politicians and to journalists in this country. The policy of protection has been adopted, and a very old demand has been complied with. The help it has given to the principal national industry and the manner in which it has saved it from extinction is in itself one of the greatest results of the opportunities which were thrown open to the people of this country. The commercialization of Railways and the separation of the Railway finance and accounts from General finance and accounts, have not only begun to tell but are full of even greater possibilities. In the field of labour legislation considerable progress has been made which ought to more than satisfy the band of workers who are devoting themselves to labour problems. At the expense of a considerable amount of revenue, and in what looks like a complete reversal of the policy of the past, restriction on the cultivation of opium has been sustained and stiffened until we are in sight of its total abolition. I shall take just one more instance, namely, the abolition of the cotton excise duty, with the removal of which I hope the last complaint regarding the inclusion of "tainted money" in the Indian revenues has gone. This action of the Government has removed one of the oldest grievances and while I refrain from dwelling on its economic and other aspects, I trust that all classes of people will recognise the genuineness of His Excellency's desire to meet all the legitimate desires of the people.

Sir, we equally dedicate our respect and gratitude to Her Excellency the Countess of Reading who has shown by her own munificence and personal influence, genuine sympathy and great solicitude for the amelioration of human suffering and for the welfare of the women and children of India. I make bold to say that Her Excellency has rendered a service not only to the present but also to the future generations, the precise value of which one cannot exaggerate. Her Excellency's name will be remembered with gratitude for generations to come and as schemes which have been initiated under her auspices continue to be worked in the proper spirit, as I am sure they will be, the contribution will be as great a source of satisfaction to Her Excellency as it will be of inestimable happiness to the people of this country. By her many acts of kindness, gracefulness, amiability, and boundless hospitality Her Excellency has won our unbounded esteem and sincere admiration.

In conclusion, I claim that His Excellency Lord Reading will have a foremost place in the ranks of India's Viceroys. I have said enough in justification of my claim—and I desire to tell my friends across the seas that Lord Reading in all that he has done to satisfy Indian opinion, has also succeeded in cementing the British connection. He has secured the contentment of the services and restimulated the recruitment of Englishmen, which promises to be as great an asset to Indian progress as it would be a means of strengthening the British connection. It has been given to few of our foremost men to realize within so short a period the success of their policy and to see the justification for their actions and their measures. To His Excellency Lord Reading has been given the unique satisfaction of having witnessed the complete success of his policy, his actions, and his measures in all departments of life. I am sure that His Excellency's Viceroyalty will be one of the brightest chapters in the glorious annals of British history in India.

THE HONOURABLE MR HAROON JAFFER (Bombay Presidency Muhammadan). Sir, it is to me a great pleasure to be in this House to-day and thus to have an opportunity to speak in support of this motion. As the representative of a Muslim constituency I shall speak specially as a Muslim and of the great debt of gratitude which we Indian Muslims owe to His Excellency the whole world knows. When our hearts were torn with anxiety about the fate of our co-religionists in Turkey after the Great War, on what did we rely, for the effective expression of our fears and our desires? On the sympathy of His Excellency and his Government. Lord Reading brought the whole weight of his great position to bear in order that our sentiment should effectively be expressed, and how successfully he achieved our desire, was shown by the revision of the Treaty of Sevres. His Excellency, in assisting to bring about that act of justice, performed a service to the Empire and to the peace of the world.

We Muslims throughout India have also reason to be grateful to His Excellency for the noble-hearted way he has followed the path set by his illustrious predecessor Lord Minto in specially caring for the interests of the Muslim minority in India. I shall not refer to this subject at length. This would not be the time for so doing. The anxiety which the question is at the present moment causing all us Muslims is well known. But we believe that our minority has had a true and real friend in His Excellency, and in this respect we regard his Viceroyalty as one more proof that we as a minority community may place in British statesmanship our trust

that in whatever constitutional developments take place in India it will assure justice to Muslim claims for justice and fair dealing

There is one other aspect of His Excellency's labours about which I wish to say a few words. It is his efforts to save the lives and honour of our fellow-subjects of His Majesty in South Africa. In this matter I speak not only as an Indian and as a Muslim Indian, but specially as a Muslim of Western India, for the Muslim Indians in South Africa are chiefly drawn from the Bombay Presidency. I recognise the difficulties which the Indian question gives the Union Government. The Union Government would, if our Government had not put up a splendid fight, have carried forward measures to solve it which would have worked inhumanly against our countrymen. Lord Reading has been our true champion against such oppression. The results he has achieved in the face of great obstacles deserve our grateful acknowledgments. And here, Sir, let me add one word which I hope will not seem ungracious in the moment of thanksgiving. The struggle in South Africa is not yet over, and we earnestly trust that when His Excellency reaches the shores of England, he will still continue to use his great influence in our behalf. The interest which His Excellency has taken in Muslim education is also well known. The sympathetic speech he made at the Aligarh University last year will not be forgotten by Muslims all over India. The reservation of one-third of the Government posts for the backward communities was a step in the right direction for which we are highly grateful to His Excellency.

Sir, we wish—I speaking for my constituents join in the wish—long life and happiness to His Excellency. And in this prayer we must also mention the name of Her Excellency, whose noble work for Indian women we gratefully recognise and whose gracious presence at Viceregal Lodge has been a blessing to us all.

THE HONOURABLE SIR BIJAY CHAND MAHTAB, MAHARAJADHIRAJA BAHADUR OF BURDWAN (Bengal Nominated Non-Official). Sir, in spite of the fact that the Viceroy of India is hemmed in with everything that makes for a splendid isolation, because the Viceroy happens to be a human being he can rise above that splendid isolation and within the short period of five years allotted to him in India can make friends in the land to which he comes. I do not wish to repeat the many things that His Excellency the Earl of Reading has done for India as Viceroy and Governor General for the constitution is such that he cannot take credit entirely, as the Government over which he presides is part and parcel of that Vicerealty, particularly of the Governor Generalship. But there cannot be any doubt that Lord Reading's great personality, his charm of manner, his personal fascination and his great forcefulness are things which were an asset to India and today, when the time has come for His Excellency to leave India, we can safely assert that not only are many of us going to lose a personal friend, but that India is going to lose one of its most distinguished Viceroys. Now that he has waded through many of the troublous waters, for troublous waters there are and will be so long as a country and its people aim at the goal of liberation, it must be a satisfaction to His Excellency the Viceroy that in spite of bitterness in some quarters, in spite of adverse criticisms he has had the bulk of the saner mind of India at his beck and call. It cannot, however, be denied that in spite of constitutional shortcomings the personality of the Viceroy does go a great way to make things smooth in India and we cannot deny that Lord Reading's personality has gone a great

length to pacify troubles, to satisfy the grievances of minorities or otherwise, and I therefore gladly associate myself with the Resolution that the Honourable Sardar Charanjit Singh has brought before the Council of State to-day

I also associate myself with the chorus of praise that has been very rightly given to Her Excellency the Countess of Reading, for her interest in the welfare of the women and children of India has not only been genuine, but it has been of a nature which will, I am sure, in years to come, have very great and beneficial results. I therefore heartily support the motion which has just been moved

THE HONOURABLE RAJA SIR RAMPAL SINGH (United Provinces, Central Non-Muhammadan) Sir, I beg to associate myself with the motion and the observations that have fallen from the lips of my Honourable colleagues in support of it. India is a vast country with divergent, sometimes discordant and antagonistic interests to deal with. If one succeeds in steering the vessel of State administration in troubled waters to a calmer and more tranquil atmosphere one is surely worthy of great praise and gratefulness. The conditions which prevailed in India when His Excellency took the reins of his office and the conditions which exist at the present time show a remarkable change for the better, and one is bound to appreciate fully the services rendered by His Excellency. It was an irony of fate that His Excellency had to contend with very abnormal times resulting from the after effects of the Great War and other causes, and great credit is due to His Excellency for achieving so much success in such adverse circumstances. Our annual Budgets were deficit Budgets. Our income was contracting, while our expenditure was mounting up immensely, and our provinces were smarting under the Meston Award and beneficial services were not only suffering but were starving. Sir, it is in his regime that things have taken a turn for the better and the provinces have got relief from the provincial contributions, though not to the fullest extent as they desired. In many other directions, in matters of policy there is a remarkable change for greater progress, and we are bound to thank sincerely and honestly His Excellency for what has been done.

Sir, it is not for me to go into details and to recapitulate the history of the five years of His Excellency's Viceroyalty which is about to close. Suffice it to say, that His Excellency very earnestly applied his head and heart to do good to India to the best of his abilities, and the foundation which he has laid has been laid truly with the best of motives for the uplift of India to a higher level.

Sir, we are also very grateful to Her Excellency the Countess of Reading for the genuine affection and devotion and for her sympathy with the women and children of India, and for what she has done to ameliorate the condition of children. With these words, Sir, I support the Resolution and wish that Their Excellencies may have a safe voyage, and pray that their interest in India may not abate when they go back to England.

THE HONOURABLE SIR ARTHUR FROMM (Bombay Chamber of Commerce) Sir, I wish to associate myself with the motion moved by my Honourable friend Sardar Charanjit Singh.

In reading the speech that was made the other day by Lord Irwin, I was very much struck with one sentence. He said "If the Viceroy gets the blame when things go badly, then let us give him credit when things

go better" Now, Sir, that is found in all walks of life. When anything goes wrong, whether it be his fault or not, the whole blame is thrown at the head of the administration. At the same time when things go smoothly and straight we very seldom hear any praise given to that man, and it is for that reason that I heartily associate myself with the Resolution which has been brought forward by my Honourable friend. It will make known throughout India generally that this Council does appreciate the great work of Lord Reading in this country. There may have been times when there were differences of opinion between His Excellency and some Members of the Legislature, but whatever differences of opinion there may have been, I think no one would deny that His Excellency Lord Reading has pursued his course as Viceroy in this country with a singlemindedness of purpose, and that purpose has been for the good and welfare of India.

Sir, I also would like to associate myself with the observations made by the previous speakers with regard to Her Excellency the Countess of Reading. Not always enjoying the best of health, Her Excellency has never spared herself in promoting and forwarding any movement for the benefit of her own sex, and for the benefit of little children in this country. As a speaker before me said, her work in this direction will live for many generations and it will undoubtedly bear good fruit in time to come. I think we should all feel very deeply grateful to Her Excellency for the work she has done in this as well as in many other directions. Finally, Sir, we shall miss Her Excellency from the Viceregal Lodge whether at Delhi or in Simla. We all of us have enjoyed great hospitality when we have visited Viceregal Lodge. We have been received by Their Excellencies not only as Viceroy and as the wife of the Viceroy, but we have been received by a kindly host and a gracious hostess. We shall miss them very greatly when they go.

Sn, I have nothing else to say except to wish Their Excellencies all good luck and every happiness in their future in England on their retirement from this country.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab Nominated Non-Official). Sir, we are very thankful to Sardar Charanjit Singh who has brought this appropriate motion in this House to day. All that His Excellency has done has been enumerated already and I will not repeat them except to say this much that India is in a far better condition now than when His Excellency took over office. The Resolution deals with those things which have been done by His Excellency. These have been already enumerated. But I appreciate His Excellency also for those things which he has not done and those are some of the things which an irresponsible minority want to wring out of the Government by threats of non co operation, etc. When such challenges are given by the above class, Sir, it is not good for the country, just as we had at the time of the Rowlatt Act, there is a possibility of trouble and then some of the responsible people have to come forward to quell it. As a Muhammadan, Sn, I want to associate myself with what has been said by my Muhammadan friend here before me. I have to thank His Excellency also for many a kindness which he has shown to me personally. I think Lady Reading has done equally well in helping the womanhood of India in all the branches in which it was possible to help it. With these few remarks, Sir, I heartily support this motion and pray for His Excellency's long life and safe return to England and hope also that he

will take just as keen an interest in India's welfare as he has done while here

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN (North-West Frontier Province Nominated Non-Official) Sir, I congratulate my Honourable friend Sardar Charanjit Singh on bringing this most appropriate and opportune motion, which has enabled us to express our feelings with regard to Their Excellencies the Earl and Countess of Reading. The Honourable Members of the House might recollect that in 1921 the political atmosphere here was not clear by any means. The non-co-operation, Khilafat and other agitations in this land were in full swing. The new system of the reformed constitution was charged with bitterness and animosity at the very outset. It is unnecessary to repeat the difficulties it encountered from the moment of its birth. They are still fresh in our minds. Suffice it to say that there was a determined opposition to it from certain sections of the community. It was under such circumstances of exceptional difficulties that His Excellency the Earl of Reading was sent to India charged with the duty of establishing the reformed constitution and thus assisting the country along the road of advance mapped out in the Government of India Act, 1919. It is a source of gratification to me and so I think it must be to the Honourable Members of the House, to see that at the time of his departure there is no anxious crisis arising in India and the administration is carried on smoothly and efficiently.

Sir, as my province of the North West Frontier comes under the direct control of His Excellency's Government I consider it my duty to express, on behalf of the population of that province my gratitude to His Excellency for the general peace and prosperity that that province has enjoyed during His Excellency's time. It has been comparatively more peaceful in these five years, during which many useful works have been constructed. The Khyber Railway has been constructed and thrown open to the public. A Grand Trunk road has also been constructed up to Razmak. Both these useful works have brought sufficient money to the inhabitants of the North West Frontier Province and it is hoped that these highways will naturally bring civilisation to the tribesmen in the administered tract and across it within the Durand Line. These people are all one and the same people, called Pathans in India, Afghans in Afghanistan and Sulamani in Arabia. They are all of one and the same descent.

Again, Sir, it is hoped that His Excellency the Viceroy will very shortly open another useful work in Peshawar in the shape of a hospital. A telegraphic line from Peshawar to Kohat during the Durian has been opened along with several post offices throughout the province, and it is hoped that others that have been asked for and which are under consideration of the Government of India will also be opened in the near future. Last though not the least the people of the North-West Frontier Province are highly grateful to His Excellency the Earl of Reading for his kindness in granting representation to that Province in both the Houses of the central Legislature. Sir, a good deal has been done on the Frontier during His Excellency the Earl of Reading's time and it is hoped that a good deal will be contemplated during the time of his successor, Lord Irwin. The construction of canals and railways and other useful works will give plenty of work to the residents of the North-West Frontier Province. The most notable of these things which will stand as a land-mark in the history of India and which is expected to remind visitors from nearly the whole of the world of the august administration in India of His Excellency the Earl of Reading.

as already observed, is the construction of the Khyber Railway and the Grand Trunk Road to Razmak. The inhabitants of the North-West Frontier Province are deeply grateful to His Excellency the Viceroy and his Government for the bold measures which have prompted them in taking up these useful works.

Before resuming my seat, Sir, I must express my sense of gratitude to their Excellencies the Viceroy and the Countess of Reading for the kind hospitality that they have been so gracious to extend to both the representatives from the North-West Frontier Province. We wish Their Excellencies a long, useful and prosperous life so that Their Excellencies may help the people of the North-West Frontier Province, after their departure from this country, in the deliberations of this most important question of the Frontier in responsible quarters in England.

THE HONOURABLE SIR MUHAMMAD HABIBULLAH (Member for Education, Health and Lands) Sir, I deem it a proud privilege and peculiar pleasure as Leader of the House to associate myself with the Resolution which has been so ably moved by my noble friend Sardar Charanjit Singh. Other Honourable Members have also paid graceful tribute expressing their sense of grateful appreciation of and heartfelt gratitude for all that Their Excellencies have done for India during the memorable five years which are about to close. Of the progress that has taken place in the various branches of administrative activities during the present Viceroyalty I do not propose to say anything. It has already been so aptly and eloquently referred to by those who preceded me that I shall not attempt to recapitulate the same. I would merely like at this juncture to lay special emphasis on the beneficent labours of Their Excellencies Lord and Lady Reading in the sphere which touches the lives of the humblest in the land. Immersed as we are in the consideration of administrative and political requirements, it is only too common to ignore those activities which may not catch the eye or appeal to the imagination but which none the less are vital to the happiness and welfare of the millions of this country. Whenever any work was undertaken to relieve suffering and to bring light to those who live in the shadow of affliction, Their Excellencies have been in the forefront, inspiring by their example and giving that help that only those in Their Excellencies' position can give. We all remember that a year ago His Excellency launched an appeal for funds for work in connection with leprosy. I shall not forget the fervour of that appeal and I can affirm that it is His Excellency's personal labours in that direction which brought such marvellous success and enabled work of such wonderful possibilities to be started and financed. A sum of approximately Rs. 20 lakhs was collected for the furtherance of this great philanthropic work. This is only one of His Excellency's many beneficent activities.

Of Her Excellency's work in India I need hardly say much. The National Baby Week owes the living force of its appeal to Her Excellency's example and precept. Those who have seen the large crowds wending their way to the demonstration given during this Week at Delhi can have no doubt of the change that is being steadily wrought in the popular attitude towards those problems which affect infant mortality and health, and consequently of the infinite possibilities of improvement in national well-being and efficiency which this change promises. Let me say one word of Their Excellencies' acts of private and personal kindness done without ostentation, and I may say almost with secrecy. I know of more than one

such instance but I would be betraying confidence if I were to be more explicit. It is sufficient to say that these acts will endear them not only to those who have been the direct beneficiaries thereof, but to those who have, in spite of the reserve maintained, come to know something of the depth of human sympathy that resides in the hearts of Their Excellencies.

THE HONOURABLE MR. K. C. ROY (Bengal Nominated Non Official). I agree if I may say so with respect, with the weighty observations that have fallen from the Honourable the Leader of the House. I know his handicaps, he is, after all, a blind and done an official and tied down by the position and privilege of his office. But I am absolutely a free man and I know from personal knowledge that during the Vicerealty which is about to close His Excellency has done his best to cleanse the Statute-book of obnoxious provisions and if His Excellency had been allowed to have his own way the amnoxi's Regulation would have been modified to suit the need of the present day administration. His Excellency has promoted the cause of self-government in this country despite many trying circumstances. He has firmly laid the foundation of national defence, he has put forward a scheme for the reorganisation of the Territorial Army, he has formulated a scheme for the Indianisation of the Army in his higher ranks and recently he has been instrumental in creating a Royal Navy for India. In the domain of finance and commerce he has accepted nearly all the recommendations of the Financé Board and has laid down a clear and legitimate protection for India's industries against unfair competition. In foreign policy whose control and direction has been in his hands, he has given India the benefit of a lasting treaty with His Majesty the Amir of Afghanistan and done equally fair and just treaty with His Majesty the King of Nepal. He is leaving India with our frontiers fully well guarded, with her neighbours happy and contented and internally happy and prosperous. I have been a member of the Lady Reading Women of India Association since its inception and I know that Her Excellency all or well has always encouraged to promote the cause of medical aid for Indian communities. The consolidated fund which is known as the Lady Reading Fund will bear unsolicited testimony to her efforts, her efforts and administration. I join the Honourable Sir Arthur Iroom in wishing Their Excellencies God speed and all good luck, and I would only request them to continue to take the same interest in Indian affairs as they have taken during their stay at Viceroy's Lodge in Simla and Delhi. I support the proposition which has been moved by my Honourable friend, Sardar Chiranjit Singh.

THE HONOURABLE SH. DINSHAW WACHIA (Bombay Nominated Non Official). I beg to add my sincere tribute of appreciation so eloquently expressed by many speakers before me in reference to one of the most distinguished Viceroys and Governors General whom it has been the good fortune of India to have and who is now on the eve of his retirement. My own belief is that to the many brilliant pages of British Indian history contributed by a long succession of distinguished Viceroys in the past, His Excellency Lord Reading has contributed another and a brighter one, a page which will in every way redound not only to his credit but to the credit of the British people and to the genius of the Anglo Saxon race. I do not wish to travel over the same ground that has been covered by many of the speakers who have preceded me in such eloquent terms, but I do say this that perhaps no Viceroy and Governor General had to encounter greater difficulties at the outset than Lord Reading when he

assumed the reins of his exalted office, difficulties of a colossal magnitude, save the ever-to be lamented Lord Canning. In the days of Lord Canning the Government of India was trembling in the balance and it was a question whether the British would maintain their power in this country. But happily Lord Canning's patience and tolerance, his clemency, and, above all, his far-sighted statesmanship saved the country, brought it to a haven of safety and rest, and laid the foundations afresh of a new British Indian Empire which of course the genius of Lord Clive had originally founded. But since those days there have been very many able Viceroys—each of whom has during his own tenure of office conferred great benefits on India in different directions, moral and material. But it must be said to the credit of Lord Reading that he is the one Viceroy and Governor General who came out to India at a time when the country was seething with sedition and torn with unrest as was never witnessed before. But we are glad to see that to-day, despite the many troubles and upheavals, that unrest has been greatly lulled and tranquillity has once more been restored. That his administration has been one of the most difficult, eventful and memorable in the annals of British India, I think none will deny. It is not my object here to go into the administrative and financial questions and many other problems that were waiting to be solved and which he has so successfully and ably solved during the last five years. Questions of policy of the greatest moment, problems of finance which might have overwhelmed any other Viceroy, have all been solved. This alone is enough to entitle him to the gratitude of the country and its people. It is the great good fortune of Lord Reading that he had (I cannot refrain from saying) in the Honourable Sir Basil Blackett a Finance Minister of the highest talents who has saved India from the Niagara of deficits and brought her on safe and sure ground and on the foundation of which she can henceforward courageously proceed to build her finances with the greatest security and safety.

So, only the future historian of India can really record his impartial verdict on the many memorable events and great outstanding features of Lord Reading's administration and on the exceptional ability, force of character and practical statesmanship he displayed therein. We, who are his contemporaries, can hardly appreciate to its fullest and freest extent all that Lord Reading has been able to achieve during the past five years of his Viceroyalty. It was a most difficult Viceroyalty, and we do not know what internal evidence there may be which may be available fifty years hence to assess its value and appreciate its significance. What he has done or has not done can be then known only. Superficial critics here and there and in newspapers scream aloud at one thing or another of his Governor Generalship and blame him unnecessarily and without foundation. They reproach him for what he is in no way responsible for at all. Such criticisms we must be prepared to hear. We have read the lives of many a Viceroy from which we are now able to unlearn many wrong and unfounded statements and learn many more which modify our judgment. The real springs of action which were at work during the last 5 years will never be known during Lord Reading's lifetime. It was the case with many Governors General, specially Lord Dalhousie. In the same way I say that as far as we are concerned, we who are Lord Reading's contemporaries and who are swayed by current biases and prejudices cannot really pass an impartial verdict—we shall not be able to determine the true character of his Viceroyalty. But we can unhesitatingly express our opinion that so far as *known facts* are concerned Lord Reading has

deserved well, and nobly and richly of the country which he has ruled with such fearless courage and consummate ability. No doubt Viceroyalties there have been, such as Lord Mayo, Lord Ripon, Lord Minto and Lord Hardinge—who are greatly remembered for their beneficent administration. But I do say this that when we remember all the salient characteristics of Lord Reading's Viceroyalty we shall have to say in all justice to him that he proved himself to be one of the greatest in the annals of British India. I think, Sir, he has reared a monument of his own, more durable than brass and the Pyramids of Egypt. What Lord Reading has done will be inscribed in history in letters of gold—what he has done for its people patiently, perseveringly and courageously with the eye of the statesman looking far ahead into the future. India will appreciate later on better and better what Lord Reading has done. Therefore, I will say that when to day we accord our sincere tribute of praise for what he has done, we do nothing more than render justice to his administration, and I am very glad to see that in this House with its serene atmosphere, there is not heard *one* single discordant voice in making reference to His Excellency's beneficent work.

And what shall I say of the good Lady Reading? All that has been said in this place shows that Lady Reading has done an immense amount of philanthropic work for the better social condition and health of the people, even in a larger way than the wives of former Viceroyalties from Lady Dufferin downwards. Her work for the relief of suffering humanity is writ large which he who runs may read. She has instituted new hospitals, new sources for relieving suffering humanity, particularly of Indian women and children. I think, that as far as Lady Reading is concerned, we can unhesitatingly say of her that she has proved herself a typical English woman of the deepest sympathy and solicitude for her Indian sisters, that she is indeed the type of the holiest and divine womanhood. As to Lord Reading's genial and benign personality, his unvarying courtesy and to Lady Reading's gracious hospitality which one and all of us have received, I do not think there can be any difference of opinion in the country. Indeed I do not hesitate to say that both Lord and Lady Reading have won the esteem and regard of all who have come into contact with their personalities. And speaking of Lord Reading I do believe, Sir, that when the true history of his Viceroyalty comes to be written, Indians will have reason to remember it with gratitude and affection.

THE HONOURABLE MAHARAJADHIPAJA SIR RAMESHWARA SINGH OF DARBHANGA (Bihar and Orissa Non-Muhammadan). Sir, I rise on my own behalf as well as on behalf of my Province to give grateful expression to our sense of gratitude for His Excellency Lord Reading's benefactions to India.

Sir, I can sincerely say that Lord Reading's Viceroyalty will always form a land-mark in the history of India. As we all know, Sir, Lord Reading's prominent part in connection with the Lausanne Treaty has placed not only India but the whole Muslim world under a deep debt of gratitude to His Lordship. His sympathies with the South African Indians and his personal efforts to ameliorate their plight are too well known to require any special mention here. But what will always distinguish Lord Reading's régime from all other periods, is the wonderful manner in which he has preserved the tranquility of this vast Continent during a

particularly troublous time to which I need not refer in detail on this occasion. Lord Reading has not only piloted his administrative ship through surging tides with signal success, but has removed some of those grievances of India which would have required far-sighted and vigilant statesmanship at any time. Among such measures of far-reaching effect, I may cite "Balanced Budgets", that much-longed for reduction of the provincial contributions and the abolition of the cotton cess. These things have earned for His Lordship a really dear place in the innermost heart of India, and I look forward to the day in the near future when the load given by His Lordship will be taken up by his successor and provincial contributions will become a thing of the past.

But, this is not all. It was reserved for Lord Reading's régime to witness the satisfactory solution of that old cry, the reduction in military expenditure, and, Sir, the establishment of the Tariff Board has put a stamp on His Lordship's claim to the gratitude not only of Indians but of all those interested in the industrial stability of India, and his name will be handed down from generation to generation for it is in our industrial revival that all our hopes for the future of India lie.

Sir, the announcement recently made regarding the foundation of an Indian Navy is a measure which will immortalise His Lordship's name, for without a Navy, Sir, there can be no self-protecting India, and Sir, I need hardly say that unless India can protect herself, she cannot govern herself. Sir, the King's representative who has boldly taken this step is a true statesman entitled to the sincerest gratitude not only of the people of India but of England also. Sir, connected with this question is the appointment of the Sandhurst Committee, and I will say only this that it will be for His Lordship's successor to fulfil those expectations which have already been formed in this direction.

Sir, I cannot conclude without alluding to the Royal Commission on the Indian Services, popularly known as the Lee Commission, which handed in its Report to Lord Reading's Government and I fervently hope that His Lordship will tell his successor that the step initiated by him in respect of Indianisation has only been commenced and it will remain for his successor to do the needful in this direction.

Sir, last of all, though not the least, it is my privilege to refer to His Lordship's unvarying courtesy at all times to Indians and his willingness to help them even individually. Sir, it is one of the greatest functions of the King's representative to be accessible to his people and it cannot be denied that Lord Reading has fulfilled it. Sir, the announcement of the Agricultural Commission towards the closing days of Lord Reading's Viceroyalty is yet another proof of his solicitude for the voiceless millions of India, and if properly handled, Sir, it will uplift the masses much more soundly and effectively than any other movement yet heard of for that purpose.

And, Sir, we all know how helpful Lady Reading has been to her husband throughout his period of Indian administration. There has been no movement connected with women's and children's welfare with which Her Excellency has not identified herself. The Red Cross Society, the Baby Weeks and the various nursing homes and women's sections of hospitals in the country will ever bear testimony to Her Ladyship's indelible work for the benefit of Indian women and children. In fact, His Lordship's work would not have been complete without Her Ladyship's

active interest in the welfare of Indians. There is nobody in India who has come in contact with Government House without being struck by Her Ladyship's charmingly ennobling personality, and we all hope that Her Ladyship will continue to evince the same interest in the people of India from England as she has done during the period of His Excellency's Viceroyalty in India.

With these words, Sir, I most cordially support the Honourable Sarda Charanjit Singh's motion, and heartily wish that this Council do convey to their Excellencies the Earl of Reading, Governor General of India, and the Countess of Reading on the eve of their departure from India the humble expression of the Council's grateful appreciation and heartfelt gratitude for all that their Excellencies have done for India and pray God Almighty to vouchsafe to their Excellencies a long life and ever-increasing prosperity. I hope our Viceroy will carry with him very many pleasant memories during his stay in our country and let us cherish the hope that His Excellency will always, like a true lover of India, endeavour to uplift and place her amidst the self-governing nations of the world.

THE HONOURABLE RAJA SRI RAWU SWETACHALAPATI RAMAKRISHNA RANGA RAO BARHUR OF BOBHILI (Madras Nominated Non-Official). Sir, I rise wholeheartedly to support the motion moved by the Honourable Sarda Charanjit Singh. On behalf of my Presidency generally, and particularly on behalf of the landholders of Madras, I express our gratitude to their Excellencies for all the good they have done to this country. I shall be only repeating what has already been so ably expressed on the floor of this House if I attempt to enumerate the many good and noble acts of their Excellencies in this country. Although His Excellency is so shortly to lay down the reins of his high office we hope and trust that His Excellency will continue to take a keen and lively interest in Indian affairs when he returns to England. I now join with other Honourable Members in wishing God speed and good luck to their Excellencies.

THE HONOURABLE THE PRESIDENT. Honourable Members are aware that there is a provision in the Standing Orders which enables the President to speak on any motion before the House. It is an advantage, of which the Chair has richly availed itself, but I welcome it now as giving me an opportunity to associate myself with the motion before the House. There are certain limitations on what can be said from the Chair, and I am not proposing to address the House on the subject of the administration of His Excellency Lord Reading as Governor General of India. But as one who has been associated with both the Viceroy and Her Excellency Lady Reading from the moment of their arrival in India till the present moment I might be deemed guilty of ingratitude if I did not speak of what I know. From the date of Lord Reading's assumption of office, it was my privilege for nearly four years to attend on him weekly and to work with him and under him, and the House may perhaps realise with what trepidation, I as Secretary in the Legislative Department, ventured to lay before him or Lord Chief Justice the opinion of the Legislative Department on a legal matter then under the consideration of the Government of India. But I shall always be grateful for the sympathetic and helpful attitude which His Excellency invariably adopted in connection with matters which it was my duty to lay before him. Since His Excellency did me the honour to appoint me to the Chair of this House, I have naturally officially come very little into contact with him. I have, however,

been associated with him. The Honourable the Leader of the House referred in eloquent terms a short time ago to the appeal which His Excellency inaugurated in connection with the campaign against leprosy, and I have for several months now had the privilege of assisting His Excellency as Chairman of the Executive Committee in the administration of the fund. The possibilities of the scheme which His Excellency has inaugurated stagger the imagination, and it is only for the future to realise what in that respect His Excellency has done for India.

I have had the privilege also, since I ceased to hold an official post, of close association with Her Excellency. Her Excellency's activities, her whole heartedness and her energy have been referred to on every side of the House. It is a remarkable thing—no, those who know Her Excellency will realise that "remarkable" is not the right word—but it is a fact deserving of comment that those who have worked with Her Excellency know that she displays in the administration of funds which she inherited from her predecessors just as great an interest and that she labours just as hard as in the administration of those funds which she herself has inaugurated, and which have naturally been nearest to her heart. The future generation will realise fully what they owe to Their Excellencies the Earl and the Countess of Reading. I am glad that this Council has taken this opportunity to express its sense of gratitude. I am now putting the motion to the House, and I would suggest that as soon as I have read it, all Honourable Members who support the motion, should rise in their places.

The question is

"That the following motion be adopted

'That this Council do convey to Their Excellencies the Earl of Reading, Viceroy and Governor General of India and the Countess of Reading on the eve of their departure from India the humble expression of the Council's grateful appreciation of and heartfelt gratitude for all that Their Excellencies have done for India.' "

The motion was carried unanimously, all Honourable Members standing

Thursday, 18th February, 1926

RESOLUTION *RE* APPOINTMENT OF A ROYAL COMMISSION TO INQUIRE INTO THE WORKING OF THE INDIAN CONSTITUTION

THE HONOURABLE MR PHIROZE C SETHNA (Bombay Non-Muhamadan) : Sir, I beg to move the following Resolution which reads thus

"This Council recommends to the Governor General in Council to urge upon His Majesty's Government the appointment forthwith of a Royal Commission to investigate and inquire into the working of the present Indian constitution and to formulate a scheme for the establishment of responsible government in India."

I need make no apology for bringing forward this Resolution, for the constitutional question is unpressible and it is bound to press again and again for consideration until a permanent satisfactory solution is reached. More than five years have passed since the reformed constitution was introduced. The very first year of the meeting of the Indian Parliament was signalled by the adoption by the Legislative Assembly of a Resolution, the original of which was altered as suggested by Government themselves, and in its amended form it recommended a re-examination and revision of the

constitution at an earlier date than 1929. Much water has flowed under the bridges since then, but the one most outstanding feature of the currents and under currents of thought during the last five years has been a persistent demand for such further constitutional advance as will secure the goodwill and co-operation of all schools of political opinion in this country—I mean all those schools which unitedly may be taken to represent the bulk of the Indian people—and thereby lay the constitutional issue comparatively at rest. If this is done it will lead to the concentration of the energies and efforts of the chosen representatives of the people and other leaders upon the numerous problems of internal development and progress, which, owing to the overpowering pressure of the constitutional problem, have not been receiving and indeed, in the very nature of things, cannot receive, that measure of undivided and steady attention to which they are entitled. The constitutional issue has thus loomed the largest on the political horizon of India. It has demanded the earnest attention of Government and of the Indian Parliament in one form or another. Only last year in the Simla Session, the question came up in the form of an amendment to a Government Resolution moved in the Legislative Assembly, by the leader of the Swaraj Party, and in the then Council of State by myself. The different decisions of the two Houses on that amendment are well known to Honourable Members. The Legislative Assembly adopted it by a very large majority which represented the unanimous view of the Swaraj, the Independent and the Liberal Parties. In this Honourable House, the amendment was rejected and the Government Resolution was adopted.

Since the September Session, the Indian National Congress, the Muslim League, the Liberal Federation, the Non-Brahmin Conference, the Christian Conference and other Congresses and Conferences whose number, as has been remarked by a European writer, is legion, have met at their annual sessions, and we have once more had the considered views of the more important political bodies on the constitutional question. One notable and significant event in this connection has been the open declaration by a section of the Swarajist Party—a section by no means inconsiderable or unimportant—that they disapprove of the policy of obstruction and are in favour of pursuing what is called the policy of responsible co-operation which means nothing more nor less than the policy of co-operating with the Government in carrying out all such policies and measures as are not repugnant to reason or detrimental to the interests of the people.

THE HONOURABLE SIR DENSLOW WACHIA (Bombay Nominated Non-Official): From your point of view.

THE HONOURABLE M. PHIPPOZE C. SETHNA: Yes, each man has his own point of view.

are therefore entitled to as much consideration and weight as those of the Legislative Assembly. In this connection however I may be permitted to add that some of those Honourable Members in the last Council, who voted against my far-reaching amendment, expressed themselves in favour of the appointment of a Royal Commission before the statutory period and indeed my Honourable friend Mr K C Roy moved an amendment recommending the appointment of a Royal Commission or any other suitable agency not later than 1927. It is true he withdrew the amendment, but there is the important fact that such an amendment was moved, and further that it was supported by some of those who were not able to go the whole length with me. After these remarks which I have deemed necessary to make in order to clarify the issue and to enable this Honourable House to see the question which I am submitting to its judgment in the proper perspective I shall turn to the Resolution itself. My Resolution is a plea for the immediate re-examination and revision of the existing constitution by a Royal Commission. In urging that plea and bespeaking the support of this House to my Resolution I wish to appeal to the intellect and reason of the House and of the Government. I shall scrupulously avoid all passion, bitterness of feeling, recrimination, all uncalled for and unnecessary attacks upon Government for their sins of commission or omission, real or fancied. I shall further eschew all considerations of sentiment except to the extent that the sentiment which is strong, which is persistent, which is entertained by varied or large sections of the community constitutes in itself a fact of great importance which reason ought not to brush aside as irrelevant nor statesmanship ignore as of no value.

What, then, are my grounds for urging that the time has now come when the existing constitution of this country should be examined and revised, and that a Royal Commission should be immediately appointed for the purpose? I start with the position that it has been conceded by Government that there is no legal bar to the appointment of a Royal Commission for this purpose at any time before the expiry of the period of ten years fixed by the Government of India Act. We all know the statement made in such picturesque and arresting language by the Secretary of State that "Wise men are not the slaves of dates, rather are dates the servants of sagacious men." So far then the position stands beyond question. Starting from that point, I contend in the first place that the working of the constitution during the last five years and indeed the examination of the constitution by the Reforms Inquiry Committee, better known as the Muddiman Committee, even within the limited terms of reference made to it have clearly shown that the constitution has not succeeded in achieving the object with which it was established to the extent and in the manner expected. The constitution has failed not in the sense that the administration is not going on and going on as efficiently as before not in the sense that the Legislatures are not working and that the Executives are at a standstill, but in the much higher sense that it has failed to give that measure of training in responsibility which was its avowed object and without which no real and continuous progress in the attainment of full responsibility is supposed, I think rightly supposed, to be possible. And it has failed to achieve this result, not for any fault on the part of the people, not on account of non co operation, not owing to any obstructive tactics of the Swarajists, but owing to the supreme fact that at its very inception and to a considerable extent in

its very nature it was so conceived and devised that it could not have produced any better results

I concede, Sir, that training in responsibility is necessary before full responsible government becomes familiar to the people and can be worked by them with a high degree of efficiency and a large measure of success. But in order that such training might be acquired, the measure of responsibility must not be stinted. It must be substantial, it must be real. It must not be an apology for liberty, not a liberty so hedged round with limitations and qualifications as to make it a mere camouflage or flimsy and unsubstantial in its nature or working. The responsibility which the present constitution has granted in the domain of the provinces is of such a nature. And I say, therefore, it is utterly ill-calculated to give the electorates that training in responsible government upon which insistence is laid. In the domain of the Central Government, indeed, where vital issues are decided there is an utter absence of responsibility. The constitution of the Central Government is, in fact, open to the same serious objections as were urged against the Congress League Scheme of 1916 and to some extent against the Morley-Minto Reforms, all arising from an irremovable executive which has to depend for support upon an elective majority and which in its turn, owing to its being excluded from responsibility, is naturally inclined to play the role of permanent opposition. Such a constitution cannot fulfil the ends it has in view and the sooner it is revised the better for all.

My second ground for urging the early appointment of a Royal Commission to review and revise the existing constitution is that there is a general, I might say almost unanimous, strong and insistent demand for further constitutional advance. And I wish to emphasise the fact that this view that the time is now ripe for further constitutional advance is maintained not only by political parties or leaders, but also by those who have worked or have been working side by side with the Government either as Executive Councillors or Ministers. It is impossible for those who have closely studied the reports of the Local Governments on the working of the reformed constitution for the year 1924, which have been published along with the reports of the Reforms Inquiry Committee not to come to the conclusion that a large, weighty and responsible opinion, as represented by most Ministers and many Indian Members of the Executive Councils strongly favours such further constitutional advance. The position in this matter has been ably expressed by the Honourable the Raja of Pannagal, himself a Minister to the Madras Government and a leader of the non-Brahmin Party, a party the moderation of whose political views is beyond question and which has been most heartily co-operating with the Government in working the constitution. He said in his speech at the non-Brahmin Conference held during last Christmas

"It is perfectly apparent that the most weighty, the most considered and the best informed opinion is in favour of an immediate advance in the political status of the country. Ministers and Indian Members of Councils almost without exception in various Governments who have had actual experience of carrying on the administration of the country, whose knowledge of departmental difficulties and complications has certainly not been of a comparatively insignificant character, whose keenness for co-operative work with the authorities is incapable of doubt or suspicion, whose enthusiasm for the diarchic system of government when they assumed office is admitted, whose regard for Parliamentary conventions and in particular for the opinion of the English Parliament is obvious, practically from every Presidency have given their opinion almost unanimously in favour of an immediate extension of the political status of the country."

The same position has been reflected in the resolutions passed by most of the Conferences held during X-mas last. The All-India Muslim League which met at Aligarh has adopted a resolution demanding the appointment of a Royal Commission without any delay, and this resolution was moved by Sir Ali Imam, an ex-Member of the Viceroy's Executive Council. The Liberal Federation has drawn up an outline of the reforms that should be introduced and also urged the appointment of a Royal Commission and the Federation was presided over by Sir Moropant Joshi, who has just laid down the reins of office as Home Member of the Central Provinces Government. The non-Brahmins at their conference have demanded the immediate establishment of full provincial responsible government and of a measure of responsibility in the Central Government. The All-India Conference of Indian Christians which met at Calcutta also passed a resolution asking Government to appoint a Royal Commission and demanding immediate provincial autonomy and the introduction of responsibility in the Central Government.

All these facts prove beyond doubt that, however much they may differ on other points, there is general agreement among the various political bodies in India that the investigation of the question of further constitutional reform should be immediately undertaken by a Royal Commission. Now, Sir, I put it to Government. Will they be justified in ignoring all these expressions of opinion? Do they carry no weight with them? What effect will it have upon the Indian mind when it finds that all these expressions of opinion, this general and insistent demand for further constitutional advance, are ignored and flouted as of no account? I have said at the outset that I want to appeal not to sentiment, but to the reason both of the House and of the Government. It may be that the Government think all these expressions of opinion and views to be wrong, that, in their judgment, no immediate revision of the constitution is justified, though it would seem from the reasons hitherto given by them whenever they have opposed the demand for such revision, that their opposition is based not so much on the merits of the question as on the absence of a certain condition which they demand.

But assuming for the sake of argument that in the considered opinion of the Government on the merits of the question the immediate revision of the constitution by a Royal Commission would not be justified we have here two different and conflicting opinions, and I trust the Government give us credit for the honesty of our view, just as they expect that we should give them credit for the honesty of their view. In this conflict of two honest and sincere views what can be a better agency than a Royal Commission to decide the great issues involved? And then again supposing that the judgment of most Ministers, many members of Executive Council and of these various public bodies as to the desirability of immediately appointing a Royal Commission to investigate the question of further constitutional advance is swayed more by considerations of sentiment than of pure cold reason, the Honourable House will see that it is too big and gratuitous a supposition to make, is not that in itself a fact of great importance which the Government ought not to ignore? The Indian Government claim to defer to Indian public opinion even when they think that that opinion is not quite correct or sound. This deference to public opinion is in fact claimed to be the basis of the Government and the administration since the inauguration of the reformed constitution. Why

should not Government then attach proper weight and importance to this demand for further constitutional reforms, a demand which has behind it the support of moderate, weighty, sober, influential responsible elements in society—and refer the question to an independent tribunal such as a Royal Commission? Whether they consider the demand for an immediate revision of the constitution as based on reason, or on sentiment, pure and simple, or partly on sentiment and partly on reason, in any case it is a demand which Government should not be so callous or indifferent as to pay no heed to whatever. Certainly the demand deserves a much better fate than it has hitherto met with.

But, Sir, the question urged against the immediate appointment of a Royal Commission is, and I am now coming to grips with the main question, that the appeal of Lord Birkenhead for co-operation, for goodwill and friendship has not evoked adequate and sympathetic response from political leaders in this country. I want to examine this point as fully and as frankly as I can. This same objection has been repeated by His Excellency the Viceroy in the speech he made at the opening of the Legislative Assembly on the 20th of last month and ten days ago at the opening of this Council. I welcome that pronouncement and frankly I am not so disappointed with it as some critics evidently are. I wish to speak of it with the greatest respect, particularly as it may be taken as expressing and embodying the latest position of Government on this important question. Now, with great deference to His Excellency, I must say in the first place that the attitude taken up by Government, as expressed in that pronouncement, appears to me to be somewhat vague. It is difficult to understand what exactly is meant and asked for. So far as working the constitution is concerned, the spirit of goodwill, friendship and co-operation shown by all the Legislatures during the first three years is acknowledged by all, even by Government themselves.

During the last two years the same has been manifested by all the Provincial Councils, except those of Bengal and the Central Provinces, and even in these two refractory provinces, the situation has shown a decided improvement. The Bombay Swarajists have now declared themselves emphatically in favour of responsive co-operation. The improvement in the attitude of the Legislative Assembly in the direction of reasonable co-operation has been acknowledged by His Excellency himself. The attitude of the Swarajists too has undergone a change for the better. The leader of the Swarajist Party and one more of its stalwarts are now working in co-operation, the first, Pandit Motilal Nehru, on the Sken Committee and the other, Mr V J Patel, as the Speaker of the Legislative Assembly. Then there is a split in the Swarajist Party and the Swarajists in the Maharashtra in Bihar and in the Central Provinces have now openly abandoned the policy of obstruction. It is true, the Indian National Congress which met at Cawnpore has passed a resolution to which objection might justifiably be taken. Personally, I strongly deprecate that resolution and more particularly that part of it which speaks of civil disobedience. It is neither sound statesmanship nor wise political leadership to indulge in such futile and misleading and mischievous talk about civil disobedience. But in fairness to the Congress it must be pointed out that civil disobedience is held out as a remote mode of direct action to be resorted to when all other methods fail, and that too, as explained by Mahatma Gandhi, as an alternative in utter exclusion of any method of violence.

Such then is the present situation and I do contend that taken as a whole and on a close sympathetic and not hypercritical analysis it meets, essentially and substantially, with the condition put forward by Lord Buxton and His Excellency the Viceroy. What more do the Government want? Do they want that the Swaraj Party should dissolve itself and openly declare that they are in the wrong? Are Government going to make the whole country suffer for the sins, if any, of a single political party—a party too, which is now divided against itself and which, in spite of its avowed policy and programme, has shown friendship and goodwill in a fair degree and really practised a considerable and increasing measure of co-operation? Would it be fair to make the whole country suffer in that manner? Is the Swaraj Party everything and other parties nothing? Is not the heart of the nation thoroughly sound? And I am confident the Government of India believe it to be sound.

I am afraid, Sir, the Swaraj Party seems to be on the brain of Government. Let them shake off that obsession which is evidently warping their judgment and drying up the sources of their large-hearted sympathy and let them not allow it to come in the way of India's progress. The Swarajist Party, if I understand it rightly, is nothing but the old Extremist Party. In every country there is and there will be a party of extremists, and even a party of extremist irreconcilables. Such a party existed before the introduction of the Morley-Minto Reforms, but that did not deter those two eminent statesmen from introducing reforms. It existed all the time of the Montagu-Chelmsford reforms but it did not deflect the late Mr. Montagu and Lord Chelmsford from the path of reform which they had chosen. All these four statesmen had the courage to conciliate and rally all the sober elements in the country, and, so far as I can judge, they have certainly succeeded to a very appreciable extent. All the frowns and threats of Extremism did not make them hesitate in the great task of conciliation and reform, and I for one believe that in the main their policies have been justified.

Sir, I feel not the slightest doubt that if an announcement of the appointment of a Royal Commission is now made, the ground would be cut from under the feet of Extremism at all events to some extent, and the forces of co-operation, of good will and of friendship will not only be rallied, but they will also be strengthened both in numbers and influence, and above all they will be justified in the eyes of the Indian people. May I in this connection say a few words to my Swarajist friends? I do earnestly appeal to them to reconsider their position in the light of the fresh pronouncement of His Excellency the Viceroy. Let them not treat that speech light-heartedly as of no account, let them give up any idea, if they have it at all, of throwing out the Budget, let them give every proof of friendship and goodwill and judge of the Budget and of all the measures which Government may submit to their votes on their own merits. In other words, if I may say so, let them once at least stoop to conquer. I have no doubt that this new attitude will be justified but if not they can then go with a clean conscience to the electorates and tell them that they have done their best and that the onus now lies on Government and on Government alone.

A minute ago I said I am confident the Government of India believe that the heart of India is sound. For a reflex of this opinion I will quote

from recent utterances in England - Writing in the *Sunday Times* of London of a fortnight back from last Sunday Lord Meston observed

"Non co-operation in its virulent form is dead and the European if he behaves reasonably is again welcome. Below the surface, trouble simmers as it has always done, but on the face of the waters there is little trace of the hurricanes which have been raging since 1919."

He concludes by saying that there is nothing in the situation to-day calling us to diverge from the course of political development laid down six years ago. Lord Meston was in India a few weeks ago and what he has written to the *Sunday Times* is the result of what he has seen and learnt for himself, and it cannot be forgotten that but a few years ago he was himself a member of the Government of India and he is bound to be in close touch with the principal officers of the Government of India to-day. The views he has expressed are therefore the views of our Honourable friends sitting on the opposite Benches.

Take again the Prime Minister himself. Speaking at Sunderbana on the 26th of last month he observed

"In India where our trade has not been wholly satisfactory in recent years, we find that the economic position has improved and extremist agitation has subsided. These facts are not wholly unconnected, but I rejoice in them and if the present indications hold good we may anticipate increased trade in that quarter."

Mr Baldwin does not know India and it is evident that the views he has expressed are those of the Secretary of State and of the Government of India.

The House is familiar with the views of Sir Frederick Whyte which he has expressed more than once so forcibly. He repeated them the other day at an interview he gave to an Australian journal. He said that although he thought that

"Indians have yet to prove that western institutions are appropriate to the East, she recognises at least that it is necessary to confer on them a great measure of responsibility."

Sir Percival Phillips who was in this city a few weeks ago wrote from here to the *Daily Mail* to say that His Excellency Lord Reading has restored India to quiet and prosperity. He has undoubtedly induced the Indians to cultivate a friendlier spirit. Practical sedition is almost dead. These must be his views after personal observation and also evidently from what he gathered from the Government of India officials themselves.

Just one more quotation and this time from a well known journalist Mr J. A. Spender, late Editor of the *Westminster Gazette* from what he said but a week ago to a Calcutta audience of brother journalists

"If a system was fundamentally vicious no time limit could be placed for making things better. If this Government were to say 'Behave like good boys and you will get something better', the natural result would be to make people do the reverse. As between a public man and the public or a Government and its people, that Government attitude should not be taken up."

May I be allowed to conclude with only one observation? His Excellency the Viceroy has spoken in eloquent and impressive language of winning the heart of England. May I not say that it should equally be the proud and pleasant task of England and of her august representatives here and at Whitehall to win the heart of India? I have suggested to the Swarajist leaders that they should stoop to conquer. May I not in the same way say that England, mighty as she is, should if need be even stoop

to win the heart of India? Sir, I feel confident that the appointment of a Royal Commission just at this juncture will go a great way to usher in an era to use His Excellency's noble language 'of more sympathetic understanding, more widespread trust and more universal goodwill' and thereby to strengthen the foundations of the British connection in this country

THE HONOURABLE SETH GOVIND DAS (Central Provinces General)
Sir, I rise to move the amendment which stands in my name It reads thus

"This Council recommends to the Governor General in Council to move His Majesty's Government to make a declaration in the Parliament announcing its decision to take immediate steps to embody in the constitutional and administrative machinery of India the fundamental changes asked for in the Resolutions passed by the Legislative Assembly on 18th February, 1924 and 8th September, 1925, and to obtain the decision of His Majesty's Government thereon"

I move this amendment, Sir, on behalf of the Swaraj Party There is a fundamental difference, Sir, between the Resolution moved by my Honourable friend Mr Sethna and my amendment My friend Mr Sethna wants merely a Royal Commission, while we Swarajists, Sir, want a declaration of His Majesty's Government on the point We Swarajists have no faith in these Royal Commissions, because many such Royal Commissions have come and gone and the net result is nothing more nor less than an addition of a few lakhs of rupees to the poor taxpayer To me it appears, Sir, that the main item in the national demand is for an announcement followed by a Round Table Conference Unlike Australia and South Africa, Sir, we are a very old nation, and our history goes back to thousands of years We have tried almost all the constitutions known to the human race, we have our own traditions, and therefore, Sir, it will be doing a great injustice to us to inflict a constitution alien to our spirit upon us and then to blame us if it fails to work smoothly Therefore the future constitution of India can only be settled by the true representatives of the three hundred millions of the people of India, and not by a few Britishers or by a few members who are appointed on these Royal Commissions I am surprised, Sir, to see that the Honourable Mr Sethna is now moving a Resolution and is not sticking to his old Resolution which he moved in this very House a few months ago My Honourable friend Mr Sethna says, Sir, that he has brought forward this Resolution in accordance with the public opinion of the country May I ask him, Sir, to point out which public body representing the real public opinion of the country has passed a Resolution merely asking for a Royal Commission?

THE HONOURABLE MR PHIROZE C SETHNA All except the Swarajists

THE HONOURABLE SETH GOVIND DAS No, Sir I say no public body has asked merely for a Royal Commission The only public body which represents the real public opinion of the country is the Indian National Congress, and it has endorsed the Resolution which was passed on the 8th September in the Legislative Assembly

Almost every Indian who has studied the question has said that the present constitution of India is defective and that it should be re-examined As my Honourable friend Mr Sethna has just pointed out, the very first year of the introduction of the reforms, I mean in 1921, a Resolution was passed by the Indian Legislative Assembly asking for a revision of the

constitution, and although that Resolution was accepted by the Indian Government, it was turned down by Lord Peel. In 1924 again, Sir, a Resolution demanding a Round Table Conference was passed by the Legislative Assembly, and what was the Government's reply to that demand? His Majesty's Government in England only sanctioned a Reforms Inquiry Committee with a very restricted scope, and therefore all the Swarajist Members, including Pandit Motilal Nehru, had to declare that that Committee could not solve the problem of India.

Then, Sir, my Honourable friend Mr Sethna said that we Swarajists are co-operating now and that we have changed our policy.

Well, Sir, the Swarajists know better what they have done. I say that the Swarajists are not co-operating. Their view is that there is nothing to co-operate with. What the Government want is merely co-operation on one side. Is such co-operation ever possible? If they want real co-operation they should also extend their hand, and when the hands are extended from both sides, then only can there be co-operation. The same thing was repeatedly said by our late leader Deshabhandu Chitta Ranjan Das and the same thing has been declared many times by our present leader Pandit Motilal Nehru. May I ask, Sir, why there has been non-co-operation? His Majesty's Government know the reply to this, and it is this, that we have no trust in the British policy. If we take a glance at recent history, do we find a complete and wholesale co-operation offered by any nation to their alien rulers? Did the Boers, Egyptians and the Irish ever co-operate with the British Government before getting full responsible government? The answer is that not only did they not co-operate but they offered resistance and uncompromising resistance. Do the Government of India or His Majesty's Government want the same kind of co-operation from us? Human nature is much the same whether it is in Europe, Africa or India.

The Honourable Mr Sethna has dealt at length with the failure of the present constitution and I need not say much on the point. That is the reason why we Swarajists have no faith in tinkering with the constitution, a bit here and a bit there. That is why, Sir, when in September last Government moved a Resolution asking for the acceptance of the reactionary Reforms Inquiry Majority Report, the Swarajists brought forward a Resolution in the House which was passed by an overwhelming majority demanding a declaration of the policy of His Majesty's Government. As has been said by the Honourable Mr Sethna, that Resolution was endorsed by all the public bodies of the country, by the Cawnpore session of the Indian National Congress, by the Liberal Federation at Calcutta, and by many other public bodies. Neither the Hindus nor the Muhammadans nor any other community in the country is against this national demand. Even the Anglo-Indians, if Colonel Gidney is to be taken as their spokesman, are not satisfied with the present state of things. It is true that there are some communal organisations here and there wanting some special concessions for their community, but it does not mean that they are opposed to the national demand. Rightly or wrongly, there is an impression, Sir, that the landed aristocracy of the country is against the national demand. Let me hasten to correct this impression. We land-holders are not opposed to responsible government. We are as keen on having full responsible government as any other community in India. In the lower House, when this Resolution was brought by the Honourable

Pandit Motilal Nehru, I supported it on behalf of the landholders whom I had the honour to represent in that House, and my recent election to this august House from the general constituency of the Central Provinces is proof positive that my constituency was not opposed to these views, because most of my present electors also belong to the same class

The amendment which I am moving to-day is only a request that the Resolutions which were passed by the Legislative Assembly on the 18th February, 1924, and the 8th September, 1925, should be given effect to by the Government. I think, Sir, it is a mere mockery if the Government do not want to give effect to the Resolutions passed by such an overwhelming majority in the popular House. If such a united and popular demand is treated in this way, may I be permitted to say, Sir, that the representatives of the people will again have to adopt the policy of civil disobedience. I am not making any threat, Sir. I am only putting forward before this House the true sentiments of the people in very very plain words. The last session of the Congress at Cawnpore rightly voiced the opinion of the country when it declared that the time has come for the parting of the ways and now it is for England to choose whether she wants a peaceful and contented India or an India seething with disloyalty and disaffection and opposed to the British connection. In the history of nations, Sir, as in the history of individuals, a time for stock-taking comes, when decisive steps have to be taken, and never before in the history of the British nation, since 1774, has such a time come. The whole world is watching how England solves the problem of India. It will not be possible for England to say that this is only a domestic affair between England and India, because, one-fifth of the population of the world is concerned here and the future peace and prosperity of the world depends on the solution of the Indian question. It was the moral sense of America which brought the Irish people their Free State constitution and perhaps brought freedom to Egypt too, and it will be the same moral sense which will decide the connection between India and England. Will His Majesty's Government have courage and foresight to declare their policy before it is too late? Let us wait and see. With these words, Sir, I move my amendment and I have full hope that the Honourable Mr Sethna will accept my amendment because it is substantially the same as the amendment which he moved in this very House in September last.

THE HONOURABLE MR V RAMADAS PANTULU (Madras Non-Muhammadan) I wish to intervene in this debate at this early stage in order to state what the attitude of the Swaraj Party is towards this Resolution. I know that I cannot contribute anything to the discussion on the merits of the Resolution for the arguments have been repeated.

THE HONOURABLE SIR ALEXANDER MUDDIMAN I wish the Honourable Member would raise his voice. I cannot hear one word of what he is saying.

THE HONOURABLE MR V RAMADAS PANTULU I desire to intervene in this debate at this early stage in order merely to state what the attitude of the Swaraj Party is towards the Resolution, for I know that I cannot contribute much to the merits of the discussion for the arguments have been repeated perhaps for the hundredth time for and against it. The Swaraj Party is accused of inconsistency and impracticability in its attitude towards constitutional reform. I repudiate these charges most

emphatically Ever since the reforms were adumbrated in 1919, genuine public opinion in this country and the Indian National Congress have condemned them unequivocally as being unsatisfactory, inadequate and disappointing, in fact, they were considered to be so illusory as to induce the Congressmen not to seek election to any of the reformed Councils during their first term But our abstaining from entering the Councils was taken advantage of in order to show that the constitutional machinery was running very smoothly and that there was a good case made out for prolonging if not perpetuating that system The Swarajists therefore made up their minds to enter the Councils in order to show up this pretension and to demonstrate the utterly unworkable and sham character of the reforms We firmly believe that the so-called partial responsibility in the provinces with an irresponsible executive is an utterly unworkable scheme The responsibility of the Government of India to the British Parliament and to the Secretary of State and their irresponsibility to the people of this country and to the Central Legislature nullified the effects of any reform scheme however well it might be conceived So, our representatives as soon as they entered the reformed Councils in 1924 took the very earliest opportunity afforded to them to state their case and formulate their demand That demand was acceded to by the Assembly and I have no hesitation in calling that the demand of the country I do so with greater confidence to-day for the Indian National Congress, which represents the best political opinion in this country and which is the most representative political body, has endorsed that demand in a Resolution which was carried unanimously at the recent session of the Cawnpore Congress That resolution is as follows

" This Congress adopts on behalf of the country the terms of the settlement offered to the Government by the Independent and Swaraj Parties of the Assembly by the Resolution passed on the 18th February 1924 "

Our demand of the 18th February 1924 led to a secret departmental inquiry which was followed up by an open inquiry by the Muddiman Committee, and when the Government tabled a Resolution to give effect to the recommendations of the majority of that Committee, we brought forward an amendment to reiterate our demand That amendment was, no doubt, moved by Pandit Motilal Nehru as he was the leader of the largest non-official party in the Assembly, but it was supported by all sections of non-officials in that House and it was carried by a large majority It subsequently appeared, from comments in the Press, that outside the Assembly also every section of politicians welcomed it as being a legitimate, reasonable and proper demand In this House my Honourable friend Mr Sethna and myself moved a similar amendment, though naturally it shared a different fate in September 1925 I regret that my Honourable friend Mr Sethna, has to-day contented himself with merely asking for a Royal Commission But however, so far as we Swarajists are concerned, nothing has happened in the interval to make us change our attitude It is said in some quarters that the demand of September 1925 was purposely pitched in a lower key as the earlier one was found to be impracticable and that the time has now come to realise that the second demand was equally impracticable and therefore it ought to be lowered when a third demand is made I must submit that this is an entire misreading of both demands I shall only state in a word that the effect of those demands is It is true that we stated that our goal was full responsible government the Government of India Act says so I do not think that there is

need to quarrel over that. After stating that, we said that we are willing that our national claims may be examined by a suitable agency in which the varied interests which are involved in the momentous question of self-government are properly represented. We did not ask for Swaraj being tied up in a bag and handed over to us, as was very aptly pointed out by Pandit Motilal Nehru in the Assembly. We never balked an investigation, we never balked an inquiry. The only thing that we wanted was that the agency should be a suitable one and that certain preliminaries should be conceded. That was the attitude we took up. Then in the second demand we reiterated our first one in express terms, and stated that there ought to be some minimum agreement before we could negotiate for the settlement of a suitable scheme by mutual understanding. The main point in the second demand is this. We say that unless the revenues of India are vested in the Government of India and administered by a responsible Central Legislature, there cannot be any responsibility in the administration, and that no other change except this will meet the requirements of the situation. We maintain that, unless a declaration is made in Parliament, by His Majesty's Government of its intention to embody in the constitution of India this fundamental change, it would not be much use to negotiate with the Government for an honourable settlement. That is the attitude we took. After the necessary declaration was made, all that we said was we were willing that other questions might be investigated by any suitable agency. May I ask what there is which is impracticable or impossible in either of these demands? So our position remains to-day precisely the same as it was in 1924 and 1925. The very fact that my Honourable friend Mr. Sethna moved the very same amendment as the Honourable Seth Govind Das moved to-day shows that Mr. Sethna did not then consider that amendment as ruling out a Royal Commission from our contemplation. There is no charm in a Royal Commission. Any agency will be equally good provided certain pre-requisite conditions are satisfied. If we are satisfied that there is a genuine change of heart on the part of Government, and if there is any indication that we are likely to get what we are aiming at by a Royal Commission, we Swarajists have certainly no objection to it. I do not understand my Honourable friend Seth Govind Das to say that he does not want a Royal Commission. He said he had no faith in a Royal Commission. As a matter of fact, we have no faith in many of these things. But if there is going to be any indication of a change of heart on the part of Government, if a Royal Commission is going to give us the kind of thing we want, or if we know that the terms of reference or the personnel and other things are so satisfactory as to inspire confidence in our minds, we should be certainly willing to co-operate with this agency. That is the attitude that we take, but I may at once state that any Resolution for the appointment of a Royal Commission without any definition of its scope or without any indication of the basis on which it is to formulate its proposals for further constitutional advance will not be acceptable. At the same time we reserve to ourselves the right to reconsider our position, and to decide whether to co-operate or not to co-operate with any agency when it comes into existence. That is our attitude, Sir, towards this proposal for a Royal Commission.

Now, Sir, I have very briefly to answer two objections which are brought against the Swarajists. They are both based upon two different portions of the Preamble to the Government of India Act. The first objection is based upon the portion of the Preamble which says "that the advance is to be

by successive stages of which the Parliament will be the sole judge", and we are told that it would be impossible for us to ask for any other agency or for any other mode of settlement except with the intervention of the Parliament. Our short and brief answer to this is, we consider that the Preamble is absolutely wrong. It is an insult to our national self-respect. According to us, the only test of fitness for self-government is national self-consciousness and self-determination. The Government of India Act is one of the many pieces of legislation passed by the British Parliament, and I do not believe that any special sanctity attaches to it any more than to any other Act. Our claim is that the Preamble along with the Act ought to be repealed. Therefore, it is no use to confront us with a recital in a document to which we take very serious exception.

Then the second objection is based upon that portion of the Preamble which says "Whereas the action of Parliament must be guided by the co-operation received from those on whom new opportunities of service will be conferred." With regard to this demand for co-operation, I will make two respectful submissions. If the co-operation that is demanded of us consists of asking us to work the unworkable provisions of the Government of India Act, I am afraid the Government are asking for the moon. We are fortified in our view that many of the provisions of the Act are unworkable by the mass of the voluminous evidence which was recorded by the Mudduman Committee. Ministers who had faith in the reforms and who went into the Councils with the determination to work them to the best of their ability have declared that the Act was unworkable. And after their evidence and after the general consensus of opinion in the country on the part of various political bodies, it is useless now to tell us that it is still workable and that we should work it. We have made our position clear time and again and it is no use asking us to work Dyarchy. But if the co-operation that you want us to extend consists in a change of heart and the attitude of the Swarajists towards Government and their willingness to participate in the beneficent activities of Government, I claim that we have given ample evidence of our co-operation in the past, and I assure you, Sir, that in the future we are willing to pursue such a policy. Deshabandhu C. R. Das in his Faridpur speech has extended the hand of honourable co-operation and fellowship if the Government desire to grasp it. Our leader Pandit Motilal Nehru every day also extends the hand of fellowship and co-operation to the Government from his place in the Assembly, but I find that it is not grasped. That is the difficulty. And more than all this, more than Pandit Motilal Nehru and Deshabandhu Das, the Indian National Congress has declared in unequivocal terms that if there is a right gesture from the Government, if there is a genuine change of heart on the part of Government, the people can co-operate with the Government.

Then my Honourable friend Mr. Sethna referred to the Resolution which spoke of Civil disobedience. But I will refer to another portion which runs thus

"The Congress is also of opinion that the guiding principle in carrying on political work shall be self-reliance in all activities which make for the healthy growth of the nation and resistance to every activity governmental or other which would impede the nation's progress towards Swaraj."

Now, I ask, is that not honourable co-operation? If that is not, what else can be? An absolute surrender to the Government's demand to co-operate with them without their co-operating with us.

honourable co operation As for Civil disobedience, I will say only one word As an ultimate resort, it is true that the Congress pronounced that that was the only legitimate weapon, that was under the inspiration of the great man Mahatma Gandhi who ruled out all violence He said that for a subject people, if it is oppressed and if the foreign bureaucracy impedes progress, the ultimate weapon was civil disobedience The Congress accepted it We are accused of want of constructive talent May I ask my Honourable friend Sir Alexander Muddiman to place himself in our position and to suggest, if he were a Congressman, what weapon he would place in our hands Let him take up constructive statesmanship in his hands Let him for a minute suppose that he is guiding the deliberations of the Indian National Congress What advice will he give to a disarmed nation in order to win liberty, if not civil disobedience? If he can suggest an alternative, and if the Honourable Mr Sethna can suggest his alternative, we will certainly take them But we want some alternative, because a nation struggling for liberty ought to have some weapon for attaining that liberty They ought to be really glad that resort to violent methods which is tried in the West is tabooed by the wisdom of those who are at the helm of affairs in the Indian National Congress Therefore, Sir, the two objections that are raised against a further constitutional advance on the lines of the demand of the Swarajists, namely, that the responsibility rests with the Parliament and that co-operation has not been forthcoming are not real I would characterise them as mere inventions to obstruct our progress That is the attitude that is taken by Government I once more beg to reiterate our attitude towards this question We have not ruled out any agency by which further investigation can be made towards constitutional advance All that we want is a genuine indication of a change of heart on the part of the Government and some guarantee that progress on the lines on which we wish to achieve it is forthcoming If it is forthcoming, there is no particular objection to a Royal Commission, nor is there any particular charm in it We Swarajists are not prepared to accept any agency unconditionally without its scope being defined or without some indication of our demand being complied with With these words, Sir, I heartily support the amendment moved by the Honourable Seth Govind Das At the same time, I assure my Honourable friend Mr Sethna that we do not take an attitude hostile towards his Resolution, although we cannot approve of it in its present form

THE HONOURABLE SIR ALEXANDER MUDDIMAN (Home Member)
 Sir, I take it that it is your desire that the debate should now proceed merely on the amendment and the amendment to the amendment I shall therefore confine myself strictly to the amendments and to the speeches which have been made on them

“ Two Voices are there,
 One is of the sea
 One of the mountains
 Each a mighty Voice ”

Had I been told that the voice which spoke for the Swarajist Party from behind me belonged to the same party as that of the gentleman in front of me to whose speech I have just listened, I confess I should not have been able to believe it They seemed to me as different in terms as they are different in argument My Honourable friend Seth Govind Das's amendment runs as follows He desires that we should recommend

to His Majesty's Government to make a declaration in Parliament announcing its decision to take immediate steps to embody in the constitutional and administrative machinery of India the fundamental changes asked for in the Resolutions moved in the Legislative Assembly on the various dates he specifies. What were those Resolutions? They were, with a few minor reservations, for complete responsible self-government. We were invited to go home and say, "You should now scrap the Government of India Act, scrap the Preamble which they dislike, scrap any trials that have been made, and with a stroke of the pen grant responsible self-government, or rather say that you will do it." Now, two gentlemen have spoken on that amendment and they have used very different arguments in support of it. I will turn first of all to the Mover of the amendment. He told me that he spoke for the Swaraj Party. The Swaraj Party seems to have two voices in this House.

THE HONOURABLE MR. RAMADAS PANTULU. No, Sir.

THE HONOURABLE SIR ALEXANDER MUDDIMAN. Two very different voices. Who is speaking for the Swaraj Party? Who is the representative in this Chamber of that Party which looms so largely in another place? Is it the Honourable Seth Govind Das who has moved the amendment or my Honourable friend who had an amendment on the paper which he did not move? That, Sir, is a matter for consideration, and I await an answer. What did the Mover of the amendment say? He said he had no faith in a Royal Commission. He was not for a Royal Commission. He distrusts them. That was not the language used by my Honourable friend opposite. He said nothing of the kind. He seemed to me to approach the question from a different attitude. The Resolution does not ask for any preliminary inquiry or for any preliminary steps. We are to take this action without any preliminary steps at all, and yet, in his argument, what did my Honourable friend say? He said, "You must have a Round Table Conference attended by representatives of the 320 millions." Is there anything in his Resolution about 320 millions or a Round Table Conference? He told us that he does not have faith in Parliament. He does not want to go to Parliament. He would regard anything that came from that source as suspicious. That is not again the language used just now. Before Government can deal with arguments of this kind, said to be addressed in the name of the same Party, it will be necessary for that Party to get rather closer under its own umbrella than it seems to be at present. Sir, we saw a remarkable instance, which is very much what is going on here, in another place on the Resolution in September. There we saw a Resolution dubious in its terms, possibly intentionally dubious in its terms, intended to bring under agreement or supposed agreement very dissimilar opinions. What happened when the discussion took place? Nothing was clearer than that speakers were putting forward views which were almost fundamentally different. Although they gave then adherence to the Resolutions which, if very carefully looked into and very carefully interpreted, might possibly bring those views together, yet the arguments used and the considerations put forward were entirely different. That is what is happening to-day. This amendment is moved by a Member said to be a Member of the same Party and is supported by a Member said to be of the same Party for entirely different reasons and in an entirely different way. My friend opposite says that he is a reasonable man. He is willing, given certain conditions by means of the holding out of the hand of friendship to accept without quarrel gifts from Parliament. Indeed, if I may say so, that is the only way he can attain any of his desires. He sits here,

as I sit here, entirely owing to the decree of the English Parliament and the sooner that is grasped, the better it will be for all of us. We have heard a good deal of the fact that no threat is used, but what did my Honourable friend behind me say? He said, "We are not co-operating. We do not desire to co-operate." My friend in front of me said, "We are co-operating. We desire to co-operate. We wish to co-operate." Sir, those are words I heard very willingly, and I congratulate my Honourable friend on the straightforward view that he has taken, but they are discrepant to the words I heard from behind me. The Honourable Seth Govind Das observed that he had no trust in the British policy. I took his words down. He has no trust in the British policy. I did not hear my Honourable friend opposite say that he had trust in the British policy. I will just remark that he did not say that he had distrust in the British policy. Then I was told that of course the final right of every country, of every people, if it does not get what it wants is civil disobedience. On the one hand, it was used in the form of a threat, on the other, as the last resort of a desperate people. There is a wide distinction undoubtedly between those two propositions, but let me tell both my Honourable friends that civil disobedience will not remain civil disobedience, it will become very uncivil disobedience in a very short time. It has become so in the past, it will become so in the future, and those who use words of that kind will do well to weigh the consequences of their words.

So, this particular amendment I am bound to oppose on behalf of Government. It was opposed on a previous occasion in this House. It was opposed in another place. This House rejected it. I trust this House with its usual consideration, with its usual weight of judgment, with its usual foresight, will again reject it. On this amendment I am in a position to give the considered opinion of the Government of India. It was brought forward in September. We considered it then and we put forward the provisional opinion of the Government of India then. We have considered it since then and after the debates in both Chambers and I have authority to say that the Government of India are unable to make any such recommendation to His Majesty's Government in the terms of the amendment. And, Sir, what is the difference between the amendment and the amendment to the amendment? Nothing, a difference of terms, very small indeed. The Royal Commission my Honourable friend behind me, Mr Chari, wants is to be a Royal Commission not to examine, not to consider the steps to be taken, it is not a Commission such as is contemplated by section 84A of the Government of India Act, it is not to inquire and report as to what extent it is desirable to extend, modify or restrict the degree of responsible government, it is a Commission which has a mandate, which is sent out with a mandate and it is merely to formulate the machinery by which that mandate is to be given effect to. Indeed there is no difference in effect between the two—the amendment and the amendment to the amendment, and on those grounds I must oppose both the amendment and the amendment to the amendment.

Sir, before I proceed to deal with the terms of the main Resolution, let me commence by congratulating my Honourable friend Mr Sethna on the able and moderate way in which he put his arguments, and let me assure him that I shall meet him entirely in the same spirit. He is an accomplished speaker to whom I have listened on many occasions from another position in this House, Sir, and if on this occasion I meet him on the floor of the House, it is with great pleasure because I know he is

a fair, impartial and reasonable antagonist. If he was somewhat unfortunate in some of his propositions, I doubt not that the reception they met with in this House was somewhat of a surprise to him also.

Now, Sir, I would ask the House to consider very briefly what are the actual terms of the Resolution which my Honourable friend has brought forward. He will pardon me for saying Sir, that his speech seemed to me to adumbrate a Resolution somewhat different in terms from that which is placed on the agenda. He asks that this Council should recommend to the Governor General in Council to urge upon His Majesty's Government the appointment forthwith of a Royal Commission. That is, there is to be an immediate Royal Commission, and that Royal Commission is to do two things. It is, in the first place, to investigate and inquire into the working of the present constitution, and in the second place, it is to formulate a scheme for the establishment of responsible government in India. That is to say, the Royal Commission is not to inquire if, how or in what direction any extension of the present system is to be made. It is to formulate a scheme for the establishment of responsible government. Therefore, what my Honourable friend apparently contemplates is not the advancement of the date of the Statutory Commission provided for by section 84A of the Government of India Act. I must really take up the time of the House by reading this section once again. It is, I think, very important, that we should clarify our views on the subject of a Royal Commission. The Parliament which passed the Act itself also provides a machinery under the Act for the appointment of a Statutory Commission. Reference is often made to a Royal Commission of a different kind. But the method for examining the constitutional position created by the Government of India Act was in fact provided by Parliament itself in section 84A of that Act. That section runs as follows:

"At the expiration of ten years after the passing of the Government of India Act, 1919,"

—and there I pause to point out what is well known to the House that there must be in 1929 a Statutory Commission,—

"the Secretary of State with the concurrence of both Houses of Parliament shall submit for the approval of His Majesty the names of persons to act as the Commission for the purposes of this section. The persons whose names are so submitted, if approved by His Majesty, shall be a Commission for the purpose of ascertaining into the working of the system of Government the growth of education and the development of representative institutions in British India and matters connected therewith, and the Commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government or to extend, modify or restrict the degree of responsible government then existing therein, including the question whether the establishment of the second chambers of the local legislatures is or is

has frequently been compared to a road and we have heard a good deal of the milestones on the road. My Honourable friend apparently contemplates that we should arrive at the last milestone at once and that we should formulate the procedure which is to be followed after we get there. That, Sir, is not what the Government of India Act contemplates. I recognise that my Honourable friend's speech was not quite in accordance with the terms of his Resolution. He there, I think, did contemplate something different. He did contemplate that it would be useless having regard to the long history of these constitutional debates and constitutional controversies which have been going on for some years to ask Government to recommend any fundamental change in the existing constitution without an inquiry of the nature contemplated by the Government of India Act, and I would point out to the House that that was the view taken also by the minority report of the Committee over which I had the honour to preside. They took the view that any drastic constitutional changes in the body politic in India must necessarily be preceded by an inquiry of the nature I have put forward and not by an inquiry with a pre-determined issue. My Honourable friend in speaking put forward the view that what is in issue is a further and immediate advance. He said, "We do not say we are right. We contend we are ready for a further immediate advance. We ask you to submit that case to a tribunal. You may differ from us. You may be right or you may be wrong, but we wish to go before the tribunal now. We are not concerned whether you think we have a good case or a bad case. We ask that we may prove our case." That is to say, in effect, his view is that he has now a case which would justify an impartial tribunal in granting the establishment of responsible government in India. But that is not what his Resolution asks for. His Resolution asks for something quite different. As My Honourable friend (the Honourable Mr S. R. Das) points out to me, the Commission would come out with the main issues that it has to try decided in the affirmative.

Now, Sir, this question of the advancement of the date, assuming that my friend is basing his arguments on what he said in his speech and that his Resolution does not mean what it appears to mean in clear terms,—the case that he has really put forward is an advancement in the date of the Statutory Commission—this question has frequently been discussed. We discussed it in this House last September. The attitude of Government towards the proposition is well known. It cannot be better stated than in the words of the Secretary of State which must be in the recollection of some at least of the Members of this House. The Secretary of State, speaking on this point, said

"We shall not be diverted from its high obligations by the tactics of restless impatience. The door of acceleration is not open to menace, still less will it be stormed by violence. But there never has been a moment since the Constitution was adopted in which the Government of India acting in harmony with the Government at home, has not been vigilantly and attentively considering the spirit in which the present reforms have been received in India."

Now I am not prepared to say that there has not been some change in the attitude in certain circles towards reforms. My Honourable friend opposite made a speech which differed fundamentally, if I may say so from the speech that he made in September

THE HONOURABLE MR RAMADAS PANTULU No, Sir

THE HONOURABLE SIR ALEXANDER MUDDIMAN Am I to understand that my Honourable friend has not moved an inch since last September?

THE HONOURABLE MR RAMADAS PANTULU I have not

THE HONOURABLE SIR ALEXANDER MUDDIMAN I have been supplied with the answer I require to give to my Honourable friend Mr Sethna. We are told that there has been no change. The Honourable Mr Sethna said that there has been great change. But speaking on behalf of that Party which at any rate is the most numerous in one House of this Legislature and is well represented even in this House, he said that there had been a change of heart, that they are co-operating. My Honourable friend, speaking with perhaps more authority than even the Honourable Mr Sethna, says that it is not the case. Sir, it is no part of my brief to overstate my case. I am prepared in spite of my Honourable friend's protest, to admit that there has been some change. I have seen some weakening shall I say in the cement that holds together those who hold views which I understand my Honourable friend (the Honourable Mr Ramadas Pantulu) holds. I have seen a distinct weakening. But, Sir, that does not really greatly alter the case. It is true, and I admit it, that the general attitude in the country has improved. It is true that in certain places Bills which might have been rejected have been considered on their merits and passed. I admit all that. I must also remember however that in other places there has been no such change that in two important provinces in India now, my own Province and the Central Provinces, the reforms are not working. I do not agree with the arguments that have been put forward that they are not working in other provinces. They are working in other provinces and it proves that with goodwill those reforms can be worked. As has been said you have not come to us and said "You have not given us enough, we will prove by the use of that which you have given us our use for more." That is not my Honourable friend's argument. His argument is "We will have nothing whatever to do with the reforms!" That at any rate is the argument of his party. He tells me that it was not. I again wait for confirmation.

Then, Sir, since last September after the debates in the two Houses the Government of India have been most carefully considering the position. They have considered the debates in both Chambers. They have watched what has been going on. They have observed, it was a matter that was thrust on their attention, the resolutions which have been referred to which were passed at Cawnpore. I am told, I think by one speaker, that those resolutions were not in the nature of a threat, they were the hand outstretched. Sir, I am always willing to put a favourable construction on any statement that may be made, but admitting the hand outstretched, I ask the House to say, was it the hand of friendship? I fear not. The Government of India have considered whether since the debates took place last September there has been anything which would justify them in modifying the provisional conclusion which they then laid before the Legislature on those occasions. They have done so with an anxious and eager desire to see the position from all points of view. They put themselves in the position of those who would desire to put the case in the most favourable light. They are unable to come to any other conclusion, they must adhere to the position which they then adopted. And what is that position? It is this. It has been brought before this House n

words which must have made the greatest impression on those who heard them, and if the House will permit me to take up their time for a few seconds I will repeat them again. No less a person than the head of the Government of India in addressing this Council made the following observations

"In the first place by the evidence of a spirit of this character in earlier appointment of the Statutory Commission might be secured. I understand that this is the aspiration of all in India whose avowed desire is to attain political progress by constitutional means. Not less important is the other consideration, that by this spirit alone a better political atmosphere would come into existence and prevail at the time the Commission commenced its inquiry. It is thus made clear that proof of genuine goodwill in the direction of working the constitution to the best advantage will be regarded by the British Parliament as an important factor for their guidance in determining the course to be pursued in the immediate future. If this view is correct, and I can scarcely conceive the possibility of contradiction, and as the future stages of advance must be decided by the British Parliament, would it not benefit India's political progress to provide plain and unambiguous evidence of this goodwill?"

Now those are considered words, well weighed words and they are words which cannot be repeated too often to this House. They are not spoken in anything but a spirit of goodwill and with a genuine desire to see India advance in the course which it has so greatly at heart. My Honourable friend will probably tell me that there have been unambiguous expressions of goodwill. I do not think he really feels that. I do not think after having heard what was said in this House he could expect me to believe it. I do not deny that the atmosphere has improved. I hope the atmosphere will improve and when the atmosphere does improve then the condition that is laid down will be on the road to fulfilment and India may be nearer to that which she so much desires. But it is not by referring to existing institutions as camouflage, it is not by arguments of that kind that reasonable men are convinced. It is not true to say that the existing constitutional institutions in India are camouflage. They give power, it may not be such power as you desire or to the extent which you desire, but they give power and the proof that they give power is the awakening of the consciousness of power in the various communities. Much of the trouble that has been experienced in the last two years is nothing unusual, nothing to be disappointed at in one sense, it is that at last the communities have felt that they are in touch with realities, it is that these painful years of development have been useful to India in that they have brought India to know that the future is not to be determined by a stroke of the pen, that you cannot force people to work constitutions, that you may grant constitutions but unless you can work constitutions you are no further forward. The peoples of India are beginning to recognise the fact that it is by facing realities that we shall solve those problems which so urgently call for solution, it is not by a conspiracy of silence, it is not by hiding, by putting away in a corner, those questions which are and must be the vital questions to be decided, that advance will be made. It is said—my Honourable friend said it no doubt not too seriously—it is said that we have the Swaraj Party on the brain. Sir, I do not recognise any party. I recognise that there are influences in this country which we have to consider. I do not think we have them on the brain. They were at one time very present in the body, there still are a large number of them in the Legislatures of this country, and, as it must be in all important bodies of men, perhaps there are right wings and left wings, but still they are a very present and important factor in India, and my Honourable friend when he speaks in their name would!

do well I think to ascertain that he has authority to speak in their name. I must confess that when I listened to the speeches I found that on that point he needs no further refutation than the refutation that has come from those Benches themselves.

Sir, I have detained the House at considerable length. I have endeavoured to bring forward matters for your consideration which I think it is essential that you should consider. I trust I have given no inconsiderate or hasty reply to the Resolution on the paper. I have shown that as far as Government are concerned we stand exactly where we did in this respect. We have done and are still prepared to do what we said we will do, but it is useless to come and put forward a Resolution which in effect is entirely contrary to anything that has ever been put forward as the possible result of a Royal Commission. You will prejudice the issue if you ask us to accept a Resolution of this kind and it is quite impossible for me on behalf of Government to do so, and I trust the House will take the same view.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab Non-Muhammadan). Sir, I rise to support the Resolution so ably moved by my Honourable friend Mr. Sethna. We have seen that Dyarchy has everywhere failed, and it is natural it should have failed. Functions of Government cannot be separated. All departments are intimately connected with one another. It is impossible to shut them in water-tight compartments like those of Reserved Departments and Transferred Departments. The only solution is unitary system of Government. The Government must make up their mind to make the representatives of the people in the Legislative bodies fully controlling authorities in all departments of Government excepting military defence and political and foreign relations with protected Princes and foreign powers.

It may be said on the other side, that the Preamble to the Government of India Act of 1919 lays down, that further advance in self governing powers will depend on the amount of co-operation received from the people in working the reforms. Sir, we all know and the Government also admit it, that in the first Legislative Assembly and in the first Council of State, the Government received full co-operation, from the representatives of the people. In the second Legislative Assembly too, Sir, some of the most important measures moved by Government have been supported by the Members of the Assembly. They supported the scheme for the separation of Railway Budget from the General Budget. They supported the proposal of Government in connection with the iron and steel industry. Ordinarily, Sir, the Government received co-operation from the Assembly, but even most of the Swarajists have adopted responsive co-operation and are veering round to co-operation. But I would like to ask, which Legislature in the world does not at times adopt obstructive methods? Even the Mother of Parliaments, the British House of Commons, does at times adopt obstructive methods against the ministry in power. The representatives of the Indian people in the Legislative Assembly, Sir, have conducted themselves in a responsible manner. They have not in practice followed a policy of continuous and constant obstruction. Sir, I hold that we have satisfied the condition regarding co-operation in the Preamble, and I am sure any Royal Commission that may be appointed will give its verdict in our favour.

Members occupying the Official Benches may tell us that India is not yet fit to defend herself, and that self-government without ability to defend means nothing. I would like to ask, Sir, whether this condition was imposed on the other self-governing Dominions before self-government was granted to them? Was Australia fit to defend herself against Japan or any other great power when self-government was granted to her? Was Canada fit to defend herself against the United States of America, or any other power, when dominion status was granted to her? No, Sir, this argument does not hold water. The inclusion of the Dominions within the British Empire is a source of great strength and advantage to England. The ever-expanding population of England finds a home in these Colonies without being obliged to go out of the Empire. Similarly, the continuance of India within the British Empire is a source of great strength and advantage to England. In fact the British Empire without India is no Empire. A very large number of Englishmen find employment in India. England finds in India the greatest market for her goods. It is undeniable that England derives immense material advantages by possessing India within her Empire. For her own sake, therefore, it is England's duty to defend India against foreign aggression, just as it is her duty to defend the other self-governing Dominions. But, Sir, there is another aspect of the question also. Indians do not shirk the responsibility of defending themselves. On the other hand they have been crying hoarse themselves for a number of years past to have greater opportunities for military service. We have been asking for the expansion of our territorial forces but we have received a very meagre response from Government. We have been asking for the extension of recruiting operations for the Indian Army to all parts of the country, but they have so far confined their activities in this matter to only one or two provinces. The restrictions imposed by the Arms Act have unmanned the entire Indian population. Does it, under such circumstances, lie in the mouth of the Government to say that India cannot get self-government, because she is not fit to defend herself? We may well ask, who has rendered us unfit for this work?

Our friends on the opposite side may say that we have not yet defined what *Swaraj* exactly means. They may say we have not yet indicated what kind of constitutional government we want. Sir, we have given the answer to that question on the 8th of September, 1925. In the Simla Session of the Central Legislature the Legislative Assembly formulated the Indian demands. These demands have been confirmed by the Congress as well as the Liberal Federation in Calcutta. The details of this scheme can be worked out by a Royal Commission or any other body appointed by Government. All political parties, Sir, are now agreed on what should be the further stage in the constitutional reforms in India.

It may be urged that the masses in India are not yet politically awakened, and that they cannot as yet be trusted with votes. It may be said that India is as yet very backward in education and that the Indian masses cannot as yet intelligently exercise the franchise. In this connection Sir I would like to ask, what was the condition of the English educationally at the time of the Reforms Act of 1832 or even at the time of the Reforms Act of 1884 and 1885? In 1832 Sir the English people were very backward in education, and yet the people were trusted with votes.

We are sometimes told, Sir, the Hindu-Muhammadan differences, and the Brahmin and non-Brahmin differences stand in the way of the successful working of democratic institutions. But, Sir, I must frankly point out that the acceptance by Government of a policy of having communal representation in all spheres of Governmental activities is responsible for all this tension. Instead of confining it to legislative bodies, and even that temporarily, the Government are now extending communal representation to local self-governing bodies, to the services, to the admission of students into schools and colleges, in fact everywhere. The extension of communal representation is clearly responsible for all this present communal tension. It is in the hands of the Government to remove this communal tension.

We were told the other day by a very high authority that the present political atmosphere in England is not as yet favourable to the appointment of a Royal Commission. I do not know, Sir, how political atmospheres in England can be improved. What I do know, Sir, is that India wants England to do her justice. India is of very great material advantage to England. It is England's interest to see that India does not remain a discontented and dissatisfied member of the commonwealth of British nations. A contented India within the British Empire would be a source of great strength to England. The demands of India are reasonable, and I should think, Sir, that England should give her responsible government. India wants to remain within the British Empire. She has learnt a good deal from England. India is a pupil of England, and by being within the Empire India like other self-governing Dominions feels a great sense of security. It is to the mutual advantage of both England and India to be indissolubly bound in a tie of everlasting friendship, and I hope Sir, England will not refuse to meet the reasonable and just demands of India.

The Reforms Commission is to come sooner or later, not later than 1929—why not have it now? Be generous and you will secure the goodwill of not only this House, but of the Assembly as well and of Liberals, Independents, and Swarajists in India. Generosity will breed generosity and the result will be peace, contentment and happiness all over India.

With these remarks I support the Resolution which my Honourable friend Mr. Sethna has so ably and admirably moved in this House.

THE HONOURABLE SIR BIJAY CHAND MAHTAB, MAHARAJADHIRAJA BAHADUR OF BURDWAN (Bengal Nominated Non Official) Mr. President, when the leaders of all parties in a country press for the raising of that land to the level of the nations of the world and show a haste, even an unpardonable haste, for liberation and liberty the position is full of pathos. It is undeniable that whatever the reasons may be the present reforms as well as the present constitution do not satisfy Political India. But may I ask those who ask for a Commission, this? Does the remedy lie in simply appointing a Commission or some other agency to inquire? I hope that both parties here, those on behalf of Government as well as those who are advocating this Commission, will forgive me if for a moment I try to appear as an amateur surgeon and try to dissect things. I should like to put some direct questions. Are the British Government prepared to leave India? If not, do they think that in a land inhabited by people alien to them dominion status like Canada or Australia, is possible?

not, what is the alternative shape in which self-government in India, or to use the nomenclature responsible government, could be realized?

The forces in India that are making themselves more and more visible every day may be classified for my purpose into four groups. First of all, we will have to put the anarchists and revolutionaries. Then we shall have to put the extreme wing of the Swarajists, *i.e.*, the militant Swarajists to which I take it the Sethji from the Central Provinces belongs. Then we shall have to bring in the Independents and Nationalists, and lastly those who are still considered as the Constitutionalists or Moderates. The last category is for the moment very much in the minority, and in fact, at times I am unable to find a Moderate in some quarters. The first two, it is no good denying, are tired of British rule in India, and would probably prefer Bolshevism, Brown Rule, Revolution, Yellow Rule anything except British Rule. That being the situation, the British Parliament has to be asked to make up its mind definitely as to what is to be the future government in India. But one thing must not be forgotten that in all future advances the Government in this country as well as the Government in England have got to consider those vested interests which have hitherto believed in them, *i.e.*, British Rule. If they do not and if they still wish to hold India, may I bring a parallel and I trust I will be pardoned for the parallel. Let us imagine ourselves for a moment in the Appian way of Rome. Let us imagine St. Peter and his little group of Christian followers about to leave Rome for the persecutions. Let us then imagine the shadow of Jesus Christ appearing and St. Peter taken aback exclaiming "*Domine quo vadis?*" Let not the condition come to such a pass in India when the British Government, the British element is forced to say to those vested interests, "Where goest thou?" because they can turn round and say with justification, "Where goest thou?" It is all right for one Sethji to be so softhearted as to become a ewe lamb to be shorn by his Swarajist friends, but there are others who would not be willing to be fleeced so easily. There is also that India which counts, that India of which His Highness the Maharaja of Baroda reminded us at a Banquet held not very long ago at Baroda. For all these reasons the future advance is neither so easy nor can one so light-heartedly ask for responsible government to be given to-morrow, immediately at once.

Now, let me come to the question of the atmosphere. To my great delight I have had the honour and privilege to hear from two Members of the Central Government two of the best and clearest pronouncements that I have had the privilege to hear for a long time. Yesterday the Honourable Mr. S. R. Das, the Law Member, made an excellent speech defining the position of the constitution of the Government of India. To-day my Honourable friend, and an old friend too, the Home Member has told us in unmistakeable language what the position is. And I congratulate him, and through him the Government of India, because what we do want in India is this firmness and not the rumour and sometimes more than a rumour that goes round "that those that hammer most get the most." A friend who is now holding a very responsible position in the Punjab Government once told me a story, and I think there is something in it. To an old military friend of his he had complained that the class or community to which he belonged did not always get the attention it deserved. The military officer turned round and said "My dear fellow, you do not hammer half enough like your political friend. The Englishman only gives in when he is hammered." That is the position, Sir, and

it by hammering people get something, they will go on doing so and there will be many more Sethjis who will join the Swaraj Party. But what I wish to submit in all seriousness to the Government of India is this one fact that whilst a Royal Commission as suggested by the Honourable Mr. Sethna may not be possible, and I do not think it is constitutionally possible, if the atmosphere does not change, then before very long, I think the Government of India will have seriously to consider whether oligarchy will ever be a success in India, whether or not bureaucracy must continue, whether it be more tinted and more coloured than it is now. Further, if the obstruction continues, that obstruction itself might set in a very indirect way to the larger majority of Indians who really do want to see India raised to the level of the nations of the world, the British Parliament might turn round and turn round very rightly and say, "We gave you partial responsibility and we gave you responsibility, but you would not have it, therefore all that we gave has got to be changed until you prove that you are fit, until every party shows that it is fit to shoulder those responsibilities." I think, put in a nutshell, that is the position which the Government of India themselves put forward. I therefore appeal in all earnestness to all parties in India, being a non-party man myself, that the best way to get a further instalment of reforms is to work those we have now wholeheartedly and not to bring forward Resolutions of this nature at every Session.

Sir, I have only one more word to say, because by a strange coincidence or course, you the Honourable President, Sir, cannot join us in the debate, but by a strange coincidence in this Chamber to day, there are present four out of the five signatories to the Majority Report of the Reforms Inquiry Committee, the Honourable Sir Arthur Froom, the Honourable Sir Alexander Muddiman, the Honourable the President and myself, and I may remind those who were my colleagues then that in a note at the end of the Majority Report, I doubted the wisdom of any Commission just now, and I still doubt it. I further said that we should not wait for a Commission and delay the examination of the possibilities of inquiring in greater detail into the question of provincial autonomy. I am glad that the Government of India took up that suggestion, and the valuable report which Sir Frederick Whyte has submitted is indeed a very useful document, although it has been belittled in some quarters. I should like to draw the attention of those who somewhat light-heartedly use the words "provincial autonomy" to study what Sir Frederick Whyte has said on the subject. For all these reasons, Sir, I would ask the Honourable Mr. Sethna to withdraw his Resolution.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Nominated Non-Official). Sir, hitherto the objection to a Commission was based on three grounds. One was that under the existing law it was possible to make progress and therefore we should not be in a hurry to make any change. The next ground was that the merits and capabilities of the constituencies had got to be properly tested, and Government wanted to test them before making an advance. The third ground was that the constitutional machinery as it is functioning in India requires to be tested, and until it is tested it is not advisable to make an advance. To all these grounds, Sir, two more grounds have been added to day, one by the Honourable the Home Member for whom, as everybody knows, I have very very great respect, and with whom I am on terms of even private friendship, and that ground is this. The Commission spoken of in the Resolution by the

Honourable Mr Sethna is not the same as was mentioned in the House of Commons the same evening this Act was passed. Sir, when this Act was passed, or when it was on the anvil—I forget now exactly the stage—it was, I think, Mr Ben Spoor who put a question and asked whether for the next ten years no attempt would be made at all to advance the cause of India. Then Mr Montagu pointed out that he never said that nothing would be done until after 1929, but an inquiry might come before 1929. Well, the matter remained there, and we came to India. I quite admit that even in the very first Session the Assembly passed a Resolution asking for full responsible government. Then I made an attempt to explain it by saying that India had been starving for a long time and has been asking for more reforms, and since a small step had been taken, they naturally ask for more. Now, what happens in famines? People who are famished or hungry for days and days together do not get a good meal all at once, because it is not good for them. The doctor says to them “Take a little *congee*”. Then the people ask for more, and the doctor says that he will not give it. Then again the famished people cry out for more and more, and the officer on special duty or the doctor who looks after these famished people gives them little by little. Similarly, such a thing happens here. In the First Session of both the Assembly and the Council of State,—my Honourable friend behind me (the Honourable Nawab Sir Umai Hayat Khan) will bear me out—it was said “Don’t attend to what these people say because they have been famished for a long time, they will go on asking for more and more”.

Because they have been famished in the matter of reforms for a long time they will go on asking for more. But that does not matter. You need not put it as anything against them. I gave the instance of Sir Walter Scott. He was a poet and a novelist. He had a horse given to him for the first time at the age of 18. He was fond of the days of chivalry and gallantry. He thought that he had himself become a knight. He got on that horse and made it run faster than it could. I told you that story. It is because we were famished for a long time. During all the 20 years of the administration not a single reform was given. And now that we are given it in very little doses, we naturally ask for more. I said that this does not matter. Don’t take this seriously. My friend replied that we are not legislating for children, therefore we need not talk about it. That, however, is not the point. The point is that what they said in the First Session either in this House or in the other House need not be taken very seriously. Of these four objections which I have mentioned three already were urged later on. This is not a new thing. That is the case with everything in this world. First we distrust a thing, and generally ridicule it. When it is urged with a little more strength, we come to argue about it and ultimately we come to an agreement. That is the process in which the world goes on. We live and learn. In the very First Session of the Assembly and the Council they talked of having Swaraj. I laughed at that. Others laughed at that and I joined with them in their laugh. Later on, argument went on, and the argument reduced itself to these three objections that I have mentioned. The fourth ground taken to day by the Honourable the Home Member is that the Royal Commission that the Honourable Mover has put down in his Resolution is not the same Commission that was spoken of on the night when the Government of India Act was passed. He thinks that this Commission is something different. I myself think that the two are the same. What

the Honourable Mr Sethna means is that this Royal Commission may be appointed any time before 1929. The date was fixed with the idea that it should not be delayed beyond that date. My Honourable friend Mr Sethna says "Kindly have that inquiry made now." That inquiry, if granted, will deal with all the objections that have been taken here and before.

The first objection taken is that it is possible to make progress under the Act as it stands. I quite agree that it is possible, but you do not wear a coat threadbare. You do not wear it until it becomes thoroughly unseviceable. You do not throw it away only when it becomes absolutely inconvenient to wear. So, I do not see why all the possibilities of the existing Act should be exhausted before a further step is taken. Such a proposition is unthinkable either in law or in practice. If a coat is fairly worn out and shows signs of being old, we throw it away and have a new coat made. Similarly, there are possibilities of a further advance in the present Act, but it has grown old to a great extent. Six years is not a small period now. In olden days, 20 years was a much smaller period than six years now. We run faster nowadays with all this new machinery, motor cars, aeroplanes and balloons. 5 or 6 years now means what formerly 20 or 25 years meant. We have had experience for 5 years.

Then they say that the capabilities of the electorate have to be tested. I do not know of any test that can be applied to the electorate. We have seen in England electorates which threw overboard men like the great Mr Gladstone in those days. In the present days they threw Mr Asquith (now Lord Oxford) overboard. So electorates are not to be relied on. In all countries they are fickle. I do not know of any test being prescribed for them. If I am ignorant, I hope I shall be corrected. But there is no test laid down, so far as I know, how to examine and pass an electorate.

The third argument was that the capabilities of the machinery have to be tested. This always frightens me. I think the Honourable Sir Alexander Muddiman will remember that when machinery was talked of, I said that I was tremendously afraid of machinery in the 20th century, because, in the 20th century, to eat one ounce of food, you require 20 tons of furniture. You want a table and all the furniture and all the crockery. Before you eat one egg, you want 20 tables, 30 spoons and 15 forks. Machinery is a terrifying thing. In the 20th century, it has multiplied so tremendously that whenever any one speaks of machinery I get terrified, and run away from the place. You know the history of the present income-tax. It was originally introduced when I came to the Council to improve the machinery for collecting it. What is it now? It has become perhaps the principal item of income in our Empire and it exceeds the land revenue. So, this improving of the machinery leads to other things. So I do not quite understand this. The machinery is the electorate. The District Officers and Commissioners are appointed Returning Officers. What more machinery do you want? The voters are there. They are taken care of. They are led to the Returning Officer. What further machinery you require, I do not know.

The fourth objection that is taken is that this is not the same Commission that was talked of in 1919, as likely to come in 1929. I humbly submit that it is. My friend the Honourable the Home Member will ask "What is the meaning of formulating a scheme for responsible government?" This is what is called the *fala sruti*. In Indian books, supposing it is a

prayer, at the end you say, "Whoever says this prayer will go to Heaven, a man who is unmarried and wants to marry will get a good wife, a man who has not got sons will get sons" This is called the *fala sruti*. You are told that you would get all these things if you read the prayer. In the same way, the Honourable Mr Sethna has given the *fala sruti* part of the Resolution. He says that we want an inquiry. We want it a little earlier than 1929. Why should it be advanced in date? Because it will lead to responsible government and self-government. That clause is not the operative clause of the Resolution. It is merely the *fala sruti*, something added merely to induce you to read it and to follow it. That is not the operative clause. That Commission is the Royal Commission that has been spoken of in Parliament and out of Parliament. The other day His Excellency the Viceroy kindly said what the Honourable the Home Member has read out. I intended to read it myself and I have got it marked. He stole a march over me and read it first. The Viceroy also has said that if we give co-operation, then the inquiry which is to be made by the Royal Commission will be hastened. I therefore thought that this was an auspicious time, a propitious time for putting forward this Resolution. One Member of the Swaraj Party, as the Honourable the Home Member himself pointed out, took the responsibility of speaking for the whole Party and got into a mess over it. Then he said they were co-operating. Another Member said that he had no faith in British Government, and that the Swarajists were not co-operating at all. I depend upon this circumstance that in the beginning they talked very wildly. Now, greater wisdom is prevailing and out of the non co-operation party arose the Swaraj Party, and out of the Swaraj Party I am very glad to see that there is a party of responsive co-operators coming to the front. Hitherto I had the monopoly of my views. I was a corporation sole. I was the only one who was for responsive co-operation, but now, I am pleased very much that many more people are coming along, and I pray to God that the responsive co-operators will multiply and thereby hasten the regeneration of India and lead us to self-government or responsible government as we call it. So far then for the objections taken by the Honourable the Home Member.

The Honourable the Maharaja of Burdwan put forward a new argument which unfortunately I could not understand. If I am mistaken, I beg to be corrected. His idea appears to be that you should attempt no advance unless the British people are willing to go away from India bag and baggage. Unless this can be done he says you need not think of any advance at all. His further argument appears to be you have got to wait and wait so long.

THE HONOURABLE SIR BIJAY CHAND MAHTAB MAHARAJADHIRAJA BAHADUR OF BURDWAN. May I offer an explanation, Sir. I did not say anything of the sort. I asked a question of the Government, whether the British wanted to leave India. There is no question of waiting until the British have left, bag and baggage, as my Honourable friend puts it.

THE HONOURABLE MR G S KHAPARDE. The putting of that question means that you need not consider this proposition until you are prepared to leave India, as I interpret it. If it is wrong it may be criticised but the idea underlying the putting of that question, "Are you prepared to make India over to an oligarchy, are you prepared to put up with all kinds

of injustice?"—all that is that the Honourable Mr Sethna has put something so terrible before us that unless you are prepared to do that you need not think of it

THE HONOURABLE SIR BIJAY CHAND MAHTAB, MAHARAJADHIRAJA BAHADUR OF BURDWAN Sir, may I rise again? I think the question was this I was enumerating the difficulties of making a jump towards responsible government immediately, and as one of those difficulties I asked 'Was the British Government prepared to leave India at once?'

THE HONOURABLE MR G S KHAPARDE Well, to that the reply is that it is preparation for leaving the country

THE HONOURABLE THE PRESIDENT Order order! The Honourable Member has exhausted his time and I would advise him to get on with his own speech and leave other Honourable Members' speeches alone

THE HONOURABLE MR G S KHAPARDE My speech, Sir, is coming near its end I was dealing with the objections that have been urged against this Resolution and I was dealing with the last objection that was taken by the Honourable the Maharaja of Burdwan, and it was in the course of that that our conversation arose for which I am very sorry I still maintain that these questions were intended to make out that unless the British Government were prepared to walk out of India they need not think of this proposition

THE HONOURABLE SIR BIJAY CHAND MAHTAB, MAHARAJADHIRAJA BAHADUR OF BURDWAN It was not meant to convey that, it was meant to tell the British Government it they do not propose to walk out of India that is all the more reason that the future advances have got to be most carefully considered

THE HONOURABLE MR G S KHAPARDE That is what my own argument was I do not say they will give Swaraj to-day I do not maintain that proposition I agree with the Honourable the Maharaja of Burdwan, or rather the Maharaja agrees with me, and our opinion is that this inquiry should be undertaken, should be gone into, and if it is reasonable by all means give us a further advance, if it is not reasonable then there it will end, you need not give it So I have endeavoured as well as I can to meet all these objections that have been taken to this Resolution I maintain that it is a proposition which if assented to and carried out here will do a great deal of good at the present time in India It will show that something is being done, that something is being attempted, and those attempts that are being made outside to tell people that no pledges will be observed and nothing will be done and you will all be led into traps—all those objections will disappear Whereas if you did nothing, simply sat with folded hands you would give an additional weapon into the hands of those people whose business it is to misrepresent and to create some kind of misunderstanding between the Government and the people With these few words I heartily support the proposition suggested by my friend the Honourable Mr Sethna

THE HONOURABLE SAYID ALAY NABI (United Provinces West Muhammadan) Sir, I listened with a great deal of care and attention to the Honourable the Home Member I am sorry, however, that I find myself unable to agree with him either in the interpretation which he has put upon the Resolution as it has been placed before the Council or in the reasoning he has employed in opposing the Resolution In any case I

should expect that a Resolution like this has not to be objected to or approached simply on the ground that technically it offends against the provisions of some section or other. After all there is some difference between a court of law and a Council like this. Even a court of law if it finds that it is barred from hearing a certain suit or a certain claim only on technical grounds will be very reluctant indeed to throw it out on the basis of such objections, it very often finds a way out of it. Now in this case you find that reference has been made by the Honourable the Home Member to section 84A of the Government of India Act. It is said that the Government of India Act laid down in the body of that section the words—I will not read the whole of the section but only clause 2 and I will not read the whole of clause 2 but only those important words on which reliance has been placed. The section lays down that

“the Commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein”

Those are the words. Now it cannot be denied, I think, that the principle of responsible government has not only been established, but there it is in practice and you will find, Sir, help in this direction from the Select Committee's Report on this where in paragraph 3 they say

“In the declaration made by His Majesty on August 17th, 1920, there is enunciated the problem for which the Bill endeavours to provide a solution. It is designed as the first stage and a measure of progress towards responsible government”

“Responsible government”—there it is. Now the question remains only of the extension, modification or restriction of the degree of responsible government. The word “extension”, of course, means that the extension may be in part or the extension may be in full. So if the Honourable the Mover of the Resolution says that he wants the establishment of responsible government, he is not far wrong. The Royal Commission may when it comes, Sir, after taking into consideration all the factors come to the conclusion that the principle of self-government that has been introduced in this country may be extended. It may come to the conclusion again that it may be extended to its fullest length. So my submission is that it is rather a narrow technical and restricted view to take of the Resolution that it seeks full responsible government. A Resolution like that in a Council like this has to be met on its merits. Now so far as the merits are concerned you will find, Sir, that the Honourable the Home Member has referred to an extract from the speech of the Secretary of State where he used these words “The door of acceleration is not open to menace”. I am the last person to say that. I think nobody in this Council not even the Swarajist Members even though they make heated and excited speeches, means to say that the door of acceleration is open to menace and I do not think that that is the position of the country as a whole. There may be some wild talk about it here and there but that is not as a matter of fact the mind of the country as a whole. But when referring to this I may refer also to another extract from the speech of the Secretary of State for India which sums up the position of the Government where he said

“Even assuming co-operation it was thought that a period of ten years would be required to afford the data for reliable conclusions and generalisations. But I do not consider and I wish to make clear my own view that it was not the intention of the Legislature to attempt to shackle any succeeding Government if a spirit of cheerful and full co-operation as generally exhibited on the one hand, or if, on the other, glaring and glaring defects disclosed themselves”

Now these were the two conditions. The Secretary of State on behalf of Government said that there were two conditions by which the pace of progress can be accelerated. One condition is that glaring defects must be found in the constitution, and the other is that there must be cheerful and loyal co-operation on behalf of the people at large. These are the two conditions, and the meaning of this is that if these two conditions are found to exist, then the pace of progress can be accelerated. Now, Sir, it is a question of fact whether these two conditions exist or not, a question of fact which depends upon testimony. Now what is the testimony so far as the glaring defects are concerned? Five years after the working of the reforms scheme the Government constituted a Committee presided over by the Honourable the Home Member. That Committee nominated certain people to give evidence before it, they came and gave evidence. If I may say so, they were their own witnesses, but I do not want to take that narrow and technical view. They were true and honest men who had worked the reforms in a loyal and ungrudging spirit and who had tested material parts of the machinery. They were men who had whole-heartedly entered into the reforms scheme and they had pledged themselves to make it a success. They did their level best and tried to make it a success. But then what was their experience when they had worked the machinery or that part of the machinery? Their experience was that they could not possibly work that machinery. They said it was a failure. That was the general opinion about it. That was the opinion of these people who were concerned with it most intimately. That is the evidence of these people, the evidence of the Ministers who had worked it, the evidence of some of the Executive Councillors who had worked it. What more evidence do you want on that? Is it not a fact which is established by most unimpeachable evidence? What more do you want? What more evidence can you find about the glaring defects of the machinery? That is this part of the case. When the evidence was over the Committee sat down to record its finding. What was the finding of the Committee? The finding was that that part of the machinery, namely, dyarchy was neither a success nor a failure. That sort of finding of course is not ordinarily intelligible to the ordinary man. It must be a success or it must be a failure. The people who were most concerned with it said dyarchy was a failure but the people who heard that evidence said it was neither a success nor a failure. The only conclusion that any impartial body of men can come to on that evidence is that it was a failure. That is one part of it.

thoroughly happy and you had no complaint about non-co operation I remember of course having read the proceedings that your complaint was that the men who were outside were complaining about the conduct of the Government and that they were non-co-operating, and therefore the country as a whole was not co-operating I do not want, Sir, to minimize the importance of the Swarajists or some of the Swarajist Members, they are very vociferous people no doubt But the question is, if a certain section of the people remaining outside and cry and raise a protest against the actions of the Government, are you justified, is it fair, is it right, is it the correct attitude for you to adopt to condemn the whole country from one end to the other? That is a position that ought not to have been taken After all this is a vast and stupendous country with teeming millions You have a limited franchise, and you cannot expect people from one end of the country to the other, consisting of thousands of leaders, to be all of one mind, to be acting according to the pleasure of the Government, raising no voice of protest against the actions of the Government If you judge the amount of co-operation by that test then I think you will have to wait till eternity There is no shorter time for it But if you judge of the conduct of the people when they come to you in the Legislatures and have been given some responsibility, that would be the right test of their conduct There you see and watch how they are conducting themselves

Now, Sir, the second Assembly came and sat The Swarajists came in, they came in of course to work the constitution It is all wild talk to say that they did not come to work the constitution but to destroy it It is only talk and nothing else, they came in and took the oath to bear true allegiance to the King Emperor, and they came in under the ægis of the Government of India Act, 1919, to work the constitution as embodied in that Act They could not possibly take up any other attitude and they did not take up any other attitude Of course they took advantage of the approved methods of opposition in the constitutional manner and they are expected to do that If anybody were to complain about that sort of conduct, namely, opposition in the Legislatures, which are legislatures modelled on British institutions, then I think it is rather hard on those people People working representative institutions, holding power in representative institutions, are expected at every moment of their life to defend themselves against opposition That is the very essence of the constitution That is the beauty of the constitution They work under the fierce search light of public criticism, day in day out, and they ought to be prepared for it, they ought to be prepared for the opposition of every Bill and measure brought in by them, the opposition Benches are there for that purpose If they are Government servants, not elected by the people to-day, and if to-morrow elected people come in their place, certainly they would be subjected to the same sort of criticism That is the constitution So to feel unhappy or to criticise want of co-operation on the ground that there has been strong opposition to all the Bills and motions and measures which are brought by the party in power, is, I think, wrong and of course goes against the fundamentals of the constitution That, Sir, has been the history of the second legislature Whether there has been real non-co operation or not again depends upon the testimony that you have, upon the facts as they stand You have people sitting in the Legislative Assembly, people who are thoroughly impartial, they have given their testimony on this point I read the other day in the proceedings of the Assembly Sir Darcy Lindsay and Sir Basil Blackett speaking in high terms

about the co-operation of the members in the Assembly and in the Committees. Well, Sir, not only that, but I think the best possible evidence on that point which could possibly be available would be that of Sir Frederick Whyte. He was the President for about five years. He watched the proceedings. He controlled the parties, he controlled the whole House. He entered into the hearts of the people and he had occasion to find out the motives of the people acting in the Assembly. What testimony did he give? He had that unique position which only a man in his position could have to be able to speak on this point. And what does he say? He says that there has been co-operation and that the people are entitled to more responsible powers. That is his verdict about it. It is a fact that so far as the Assembly is concerned there has been co-operation and it is based upon the most unimpeachable evidence, the most trustworthy evidence—evidence which cannot be assailed. What more do you want? Do you expect that the time should come when this country will from one end to the other cry 'there is co-operation and nothing but co-operation'? Can a state of things like that ever exist in any country in the world? Where self-governing institutions have been working for generations and centuries there are people who will always oppose the manner and method of administration, and you cannot expect that there should be one voice acclaiming your actions. These are the two tests that were put forward by the Secretary of State, and I claim and very strongly claim that these two tests have been fulfilled. If you go on talking of non-co-operation as I said before time will never come when you will have the cry of co-operation from one end of the country to another and to attain that stage you will have to wait till eternity. This country like any other country can never be of one mind from one end to the other, except perhaps when there is war or there is some heavenly calamity when people must sink their differences.

There is one thing more which I wish to bring to the notice of the House. If there is any unanimity to-day on any topic in this country between all people between all associations, between all bodies of people it is on this Resolution that the pace of progress should be accelerated. The All India Muslim League is of that view. The Liberal Federation is of that view. Of course I do not know how far the talk of my friends the Swarajists about being the keepers of the conscience of the Indian nation is right, and how far the proceedings of the Indian National Congress are approved by the people at large, and the politically minded people, but I can very safely say this much and I do not exaggerate the statement at all when I say that the whole country from one end to the other is united on this question as it was never united before. With these few words I support the Resolution.

THE HONOURABLE SIR DINSHAW WACHA (Bombay Nominated Non Official). I will not detain the House to-day for more than ten minutes. I consider that on the whole the discussion has been going off the rails latterly. The question is a very simple one. We should confine ourselves within the four corners of the Act and find out how far the Resolution which my Honourable friend, Mr. Sethna, has brought forward is reasonable so far as the Act itself is concerned. I must first congratulate him on the very able way in which he put his own case, namely, that the Royal Commission could be brought forward a little earlier than it is put under the Act. But having said so much and having appreciated all that he said, and the method and manner, (the model manner in which he put the whole case before the House)—and also appreciated whatever fell

etc., etc., and further

"whereas progress in giving effect to this policy can only be achieved by successive stages"

and further

whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian people

And whereas the action of Parliament in such matters must be guided by the cooperation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their case of responsibility, etc."

I beg Honourable Members to consider and weigh this extract. And I ask them how is responsible government to progress? In the first place, the Government have faithfully put this Act into operation as an experiment in the full spirit of the Preamble just referred to for the first ten years to see how it has worked. Parliament has already provided the machinery which is so elastic, that it is susceptible to many an improvement. The Act has to be worked for ten years, so that the British people and the framers of the Act may fairly satisfy themselves how it has worked during the period laid down and how far responsible government can be safely conceded. Now, at the present moment I admit there is no responsible government in its true sense. The framers of the Act themselves were aware that it must be so in the experimental stage. That was the very reason why dyarchy was first introduced. It was so introduced deliberately and of purpose in order that the British Parliament wanted the people of this country to learn how responsible government should be worked and eventually made a reality. In other words, to test the preliminary experiment how people elected for the various provincial Councils should become Ministers, and how Ministers should take part in the administration of Government in the matter of transferred subjects and so on, and then form their own conclusion how far dyarchy had succeeded to enable them to concede the first proper medium of self government. That is the aim and object at present, till 1929. But unfortunately in the very beginning a section of the elected cried out, even before they had fully carried out the experiment that dyarchy was a "failure", that it could not be worked. In fact dyarchy has never yet got a full and fair chance to be worked impartially. Dyarchy has been prejudged without a full and fair trial and at once condemned without making even the first honest attempt to work it in the spirit Parliament intended it should be worked. Now, Sir, Parliament sat for many months to bring this matter to a satisfactory conclusion. They appointed a Joint Parliamentary Committee, consisting of experienced Members of both Houses of Parliament. I mean Members of the House of Commons and the House of Lords. This Committee carefully went into the question. They attentively heard the several deputations of the Indian people who had gone there to submit their diverse suggestions. And it was after everything has been weighed and decided and put down in clear and unambiguous language in the Preamble that the final report was submitted to Parliament and Parliament after further mature discussion and consideration passed the Act. You now say that a Royal Commission should be appointed at once. Why should you do it? I ask my colleagues here assembled to say if the material which Parliament so sincerely wished to collect for purposes of test is there. If a Commission comes out now,

it will have in the first instance to see if they have before them all the necessary material, that is, the accumulated experience of the first ten years on which to proceed, deliberate and arrive at their final recommendations? Have you been able to put before them that experience? We have I greatly fear not attempted to work the Government of India Act in the spirit Parliament earnestly wished. As I said, in the first three years, it was not very seriously tried, and in the last two years, there has been a hue and cry, ill-founded in my opinion raised in the country and a section of the Central Legislature has been agitating for a Royal Commission before the date fixed in the Act, and that without giving dyarchy that full and fair chance which was necessary as a condition precedent to further action. But nothing has been actually done so far to work the Act in a loyal and earnest spirit. Now, what is responsible government? You freely talk of responsible government, but what is it? Responsible government implies the existence of a strong element in the Legislature—a body of experienced persons who can tolerably well carry on the government of the country, and if such persons fail, whether other men of the Legislature could take their place and do so. Can we conscientiously say from our experience that there are persons enough in the Central Legislature here or in the other place, who can carry on responsible government in the way that the British administration has gone on for the last so many years? We have no such I say? Where are those persons who will carry on the government? I admit there are exceptions. Those are not enough. Then what is the use of talking about responsible government when we have hardly any such and when our experience is yet to be fully and fairly acquired. If we persist in going the wrong way we shall never be qualified. Therefore, before you get yourself really qualified, it is premature to agitate outside and inside the Legislature and bring forward Resolutions of this character demanding a Royal Commission or any other agency earlier than 1929. I fervently appeal to every Member of this Council to think seriously over the question without being carried away by the shibboleths and catchwords of the theatre and the market place. If those who cry aloud will calmly and dispassionately consider the question for themselves, if they think over the matter impartially, they will see that the Act provides fully what ought to be done. They should wait yet and meanwhile educate themselves and gain the experience wanted before demanding the Commission. In the matter of changing the constitution, we ought to wait and see how far we have ourselves proved fit and worthy, we have to show to the Government and Parliament that we are fit to receive a further instalment of reforms in the right direction. It is only after working the Act for the stipulated period in a manner to satisfy Parliament we should go forward and demand further reforms. But what have we done here? Can we conscientiously declare that we have worked the Act in a proper and impartial spirit? On the other hand, a hue and cry has been irrationally raised all over the country that the Act is unworkable. Perhaps some leaders manufacture opinions on their own workshop and a slavish press under their instructions and other so-called public bodies cry out in the name of "the people" and "the country." They cry out in the name of the people and the country and shout "the country, the people." But what is the country, who are the people, I should like to know? The majority of the people of this country, say nearly 80 per cent, are illiterate, they are steeped in ignorance, are credulous and know nothing about the constitution or reforms. They look to the educated classes for their guidance in all such matters. But what have the

educated classes who are really a microscopic minority done? They have hardly worked the Act in its spirit and have condemned dymchey outright and the Reforms from the very beginning, without even showing a desire honestly to try them in a proper and right spirit. They say that the constitution should be changed, that the Government should be handed over to the people, that Government have not kept their promises and so on. I am, Sir, very indignant with that section of my own countrymen who ought to know better and express gratitude to the generous British Government for all the inestimable boons that they have conferred on the people of this country. I repeat, I am very indignant with them, because they have miserably failed to appreciate the numerous blessings which British rule has conferred on them. Instead of gratefully accepting the reforms in the spirit in which they are bestowed, instead of working the Act in a right spirit and trying the experiment in the way it ought to be tried, they condemn the reforms and even question the motives of Government and create unnecessary unrest in the country. Sir, I strongly deprecate this action of a section of my countrymen. That is not the attitude for a practical people to adopt. We want to build up a national spirit. But is that the way to build it? I say no. A nation can never be built in that way. Everything must take time. We must go forward step by step. You cannot jump up to the top of a hill all at once, you can only climb up step by step. Therefore, we must proceed slowly, gradually and cautiously. That is the proper way to reset the scale of nations. Now, what are we doing here? There is a superficial cry raised by some one that the reforms are unworkable, that they will do no good to the country. One man takes up the cry and everybody sheeplike follows it. That is not the way. Now, what does this Resolution ask for? It says that a Royal Commission should be appointed forthwith to inquire and investigate into the question of reforms.

have to work the Act in a practical way. Now, I would ask my Honourable friend Mr Sethna, who is endowed with good and sound common sense, I would also ask all my other friends in this House, are they going to advance? They must bear in mind that as practical politicians that this colossal work of reforms cannot be carried on, whether in this House or in the other, by sudden jerks and jumps. No. It can only be worked step by step. We should prove by our exertions, by our independence and by our practical common sense that we are worthy of further advance and that we are prepared to take responsible government. Therefore, I would appeal to my Honourable friend Mr Sethna to withdraw this Resolution and wait for another three years and accumulate all the proofs that we are duly prepared and qualified. Parliament by itself will then appoint a Statutory Commission. When that Commission comes out, you can put all the evidence, all the materials, before it, to enable it to arrive at a satisfactory conclusion. But this is not the time to ask for a Royal Commission. I will not further enlarge on this subject and take up the time of the House, but I do again appeal with all the earnestness at my command to all my friends here—I am not speaking with any indignation or in anger or wrath, I am speaking from a practical point of view, as a practical man with my fifty years' experience in public life,—that this is not the way to go on if you really wish to have a constitution which will enable you to go forward step by step till you reach the goal of your aspiration. I repeat, wait till 1929, work the Act meanwhile in a proper and impartial spirit, prove by your sincerity and industry, that you are deserving and worthy of receiving larger responsibilities. As I said before, what have you hitherto done? What substantial materials are there for you to put before a Commission even if one comes out now? Remember, Parliament is a wise body. There are very many sagacious and experienced men in the British Parliament. When they gave us the boon of a reformed constitution, they really wished to do good to India, but of course they wanted us to proceed slowly and cautiously. That is the reason why they have deliberately fixed a period of ten years in the Act. But before we have really and fully worked the Act in the way wanted we are trying to jump to the top of the ladder all at once. How is that possible? Sir, I will not say more. But I would only again appeal to my Honourable friend Mr Sethna and to my other friends here to think imperially and in a broadminded way. They should consider seriously the effect of making a demand now for a Royal Commission, before they agree to the Resolution of my Honourable friend Mr Sethna.

THE HONOURABLE MR PHIROZE C SETHNA. Sir, as the House is aware, the discussion on this motion was originally fixed for the 15th of this month. But to suit the convenience of the Honourable the Home Member, the date was transferred to to-day, the 18th. This fact evidently got into the Press and also the reason for the transfer of the date, and I may take the House into my confidence and tell them that I received more than half a dozen messages from different parts of the country expressing the hope that because the Honourable the Home Member had chosen to be personally present in the Council of State that I might surely rely upon my Resolution being accepted *in toto* or at least my receiving a very satisfactory reply. I may assure the House I was not hasty enough to acknowledge those congratulations in anticipation, and I now find that I shall have to await their condolences.

Sir, the Honourable the Home Member is a personal friend of mine, and he has been pleased to refer to me in very kind terms, but he would have been kinder still if he had met me to some extent. As it is, his speech

carries us no farther. We understood the speech of His Excellency the Viceroy to mean that a Royal Commission would be granted at a date earlier than the date laid down in the Act provided certain conditions were fulfilled. I made out a case that the conditions were being fulfilled. The Honourable the Home Member thinks otherwise, and unfortunately for me, and fortunately for him, the two very contradictory speeches of two Honourable Members of this House who belong to the Swaraj Party

THE HONOURABLE MR V RAMADAS PANTULU Question?

THE HONOURABLE MR PHIROZE C SETHNA has perhaps strengthened his hands. May I know what "questioned"?

THE HONOURABLE MR V RAMADAS PANTULU They are not contradictory.

THE HONOURABLE MR PHIROZE C SETHNA I still say that they are contradictory. I think I need not enlarge upon this because the Honourable the Home Member has proved this conclusively. But, Sir, the Honourable the Home Member took me to task for saying that the Swaraj Party was on the brain of the Government, and he said that it was not so. I am glad to hear it. He said that it is not the Party but the influence of the Party that he has been considering. I hope the Honourable the Home Member is aware that the Swaraj Party to day is not as strong in numbers or perhaps as strong in influence as it was even a little while ago. (*The Honourable Seth Govind Das* "Question") I will answer that "question."

In India, as elsewhere, the municipal elections are an index showing the way the wind blows, and I think we may take the result of the recent municipal elections in the city of Bombay.

THE HONOURABLE RAO SAHIB DR U RAMA RAO What about Madras?

THE HONOURABLE MR PHIROZE C SETHNA as an index of the elections for the Assembly next November, and I think the Honourable the Home Member will find that there will not be as large a phalanx of Swarajist Members in the other House to oppose him. The municipal elections in the city of Bombay were held on the first of this month. There were 76 seats. Three years ago, of these 76 seats, I believe as many as 40 were captured by members who labelled themselves Swarajists. That number had dwindled down this year to only 27. That shows how the wind blows. Take again another election, the result of which we have heard this very day. I mean the return of a Member by the Bombay University in place of Mr Jayakar, who was at one time a Swarajist, the leader of his party in the Bombay Council, but has now severed his connection. He did not want to continue in the Bombay Council under the Swarajist ticket and so his seat was contested by Dr Paranjpye and Dr. Deshmukh. Dr Deshmukh was a Swarajist candidate and the voting, I understand, was 1,254 for Dr Paranjpye and 1,036 for Dr Deshmukh. I hope, therefore, that the Honourable the Home Member will, as I said this morning, not make the other parties suffer because of the Swarajist Party, and that is exactly what he and the Government are doing, and that is my grievance.

The Honourable the Home Member referred to what I regard more as a technical point. Not being a lawyer, I will not take it upon myself

to answer it I think my friends the Honourable Mr Khaparde and the Honourable Mr Alay Nahi have dealt with the interpretation of section 84A of the Government of India Act I put before him the layman's point of view Has it not been suggested time after time that the date of the Royal Commission can be brought nearer and no legal or technical objection has been taken before now? It is only in furtherance of that view that I have asked for the immediate appointment of the Royal Commission I said in my speech this morning that Government themselves had observed that there is no legal bar to the statutory period being lowered from 10 years to a shorter period Perhaps my Honourable friend the Home Member means that under section 84A as drafted, it is perfectly open to the Commission either to suggest an advance or perhaps even a set back, whereas my Resolution, as he used the words, has a pre determined issue for an advance May I ask the Honourable the Home Member, does he or does any one of the Government Benches say or does any one here or elsewhere contemplate for a moment that no matter what action the Swarajists may be responsible for, the hands of the clock are going to be set back, whether the Royal Commission is held in 1929 or in 1926? That, Sir, to my mind is a clear impossibility, no matter what the Government Benches may say I think the Honourable Sir Alexander Muddiman put my view of the case very clearly before the House when he said that perhaps my view was that in my opinion and in the opinion of those who agree with me, we have advanced so far and we have co operated generally so well that we think that a Royal Commission, if we are allowed to place our case before it, would most undoubtedly favour an advance in the constitutional reforms If, on the other hand, they thought otherwise, they might say, "Let there be a stand still for some years longer" That certainly is my view, if my Honourable friend Sir Alexander has interpreted it in that way My Honourable friend has himself admitted,—no matter what my friend Mr Ramadas Pantulu may now say, that the Swarajist attitude has changed The Honourable Mr Ramadas Pantulu said that there has been no change since the Simla Session in September last, but the Honourable the Home Member who has better opportunities of knowing what is happening all over the country, has told us that Bills have been considered on their own merits and passed I presume from that that he means that they have been passed with the help and support of the Swarajist Members of the different Councils

THE HONOURABLE MR V RAMADAS PANTULU Even before September
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Parliament will do that. If the Government of India are disposed to do it, Parliament will simply follow what the Government of India ask them to do, and if the Government of India choose to enhance the constitutional reforms, they can do so to-day. The Government of India have always had and have some very good friends amongst the Indians. I propose to quote a few lines from a speech made as far back as 25 or 30 years ago by an eminent Indian on the Bombay side, the late Justice Govind Mahadev Ranade. He said

"There can be no question that a nation of 250 millions can ever be permanently held down by sheer force and sooner or later in God's providence, and under the encouragement of the British example and discipline the people of this country must rise to the status of self-government and learn to control their own affairs in subordinate alliance with England. The transfer of power is inevitable."

That is the point. But that transfer is so slow, is very very slow, and that is our complaint. It ought to be hastened and it has not been hastened for some time. I think the proverb "*bis dat qui cito dat*" is as true to-day as when it was first written centuries ago, and I would appeal to the Government of India not to do things grudgingly as they have all along done or do them only when they are coerced into it. Let me respectfully appeal to them and tell them that if they do so cheerfully it will be very greatly esteemed and promote a better understanding between England and India. There is one fault which I have always found and the history of this country will show that England—when I say England I mean the Government of India advising England—is always slow and only does things when it is compelled to. Sir, I would ask my English friends to look to their own history. I do not propose to quote chapters from that history myself, but I will read to you a paragraph, very pregnant with meaning from a book published only a few months ago known as "*The Other Side of the Medal*," the author of which is Mr. Edward Thompson. He refers to the trouble in India and says

"I spoke of a struggle which is at its commencement. Yet may we not ask, need there be a struggle at all? Having chosen in the case of South Africa the wisest and most magnanimous course of action that ever showed a nation's greatness—having at long last the promise of friendship with Ireland, and, through that finish of old enmity, with the United States, having long ago passed safely through the dangerous stages of our relations with Canada and Australia and New Zealand—can we not settle this latest of our great imperial problems also? Or, if there must be a struggle before there is peace, need it be embittered?"

I repeat my appeal: do not allow the struggle to be embittered, give what you can, give it soon and give it graciously.

Sir, just one remark in regard to what fell from the Honourable Sir Bijay Chand Mahtab, the Maharaja of Burdwan. He seemed to think, as far as I understood him, that because the people of India are divided into four groups or parties, the Anarchists, the Swarajists, the Nationalists or Independents, and the Moderates, if there is a constitutional advance it will mean that vested interests will suffer and that there will be Bolshevism or greater Bolshevism in the country.

THE HONOURABLE SIR BIJAY CHAND MAHTAB, MAHARAJADHIRAJA BAHADUR OF BURDWAN. I am afraid that here again the Honourable Member is at fault. I tried to analyse the different parties in India at the present moment and I tried to make out what those parties thought of the British Government in India. Then I went on to define the difficulties. Among those difficulties I pointed out vested interests. I did not say that vested interests would suffer either at the hands of the Bolshevists or any body else.

THE HONOURABLE MR PHIROZE C SETHNA With all deference to my learned friend, what other conclusion could I myself or the House draw from that statement which he made first and which he has now repeated? The only presumption is that if a further constitutional advance is granted vested interests will suffer. I must be very dense if I have not understood him aright. However, I will tell him that if further constitutional advance is not granted, Bolshevism will come into the land perforce, you are inviting Bolshevism by not granting further constitutional advance and you have to thank yourselves for it. That is my reply to the Honourable Member and to the Government Benches.

In conclusion, Sir, a request has fallen from my Honourable friend the Maharaja of Burdwan, as also from my revered and patriarchal friend the Honourable Sir Dinshaw Wacha, and of course from the Honourable the Home Member that I should withdraw this Resolution. I see no reason for doing so. I do not mind the fate of the Resolution. But whilst I do not accept their advice in this respect I want to pay a compliment to the Honourable the Maharaja of Burdwan by accepting the recipe which he has prescribed on the recommendation of his friend from the Punjab who told him that the English will never give unless you go on hammering away, and I, therefore propose to go on hammering away until the Royal Commission is appointed earlier than the date fixed in the Act.

THE HONOURABLE SIR ALEXANDER MUDDIMAN (Home Member) Sir, the hour is late and the House, I am sure, feels somewhat exhausted. I will not therefore detain it at any great length. But there are one or two observations which appear to me to be necessary in view of the course of the debate. Now, Sir, I had a sort of feeling when I heard my Honourable friend replying that he had slightly misconceived my previous speech. I think he may have thought that I had not been as generous and as fair as I might have been to that part of the Indian community which has endeavoured in spite of great discouragement, in spite of considerable obloquy, to work the reforms. I desire to acknowledge the greatness of their services, not to the Government but to their country. I desire to say that it is on those lines that India will advance. My Honourable friend told me with some pride that his party has been victorious in certain municipal elections (*The Honourable Mr Phiroze C Sethna* "I did"). I trust it may continue to be victorious—I mean any party that desires to work with the Government (*The Honourable Mr Phiroze C Sethna* "Thank you, Sir"). But let me say a word to him. It was said, and I assented at any rate by gesture to that proposition, that India is sound at heart. Sir, I believe India to be quite sound at heart but India is inarticulate, largely inarticulate, and it is only by the efforts of those like my Honourable friend who believe in constitutional advance on the lines laid down in Parliament that an informed public opinion will be created in India. I trust it will not be from any apathy on the part of men of light and learning of his way of feeling that that position is not brought home to the inarticulate masses of India. I would ask him before he prides himself too greatly on the result of certain municipal elections to carry his campaign further, to spread his banner more widely and seek and find new fields of victory.

Then, Sir, if I understood my Honourable friend aright he seemed to think that I was contending there is some legal bar to the appointment of his Committee. I noticed he did not meet my point at all, that his Commission is a very different Commission from the Commission contemplated by the Government of India Act, because he presumes—I again repeat with

all deference—presumes the conclusions and prejudices the issue at stake. I am not endeavouring to construe the terms of the Resolution in any narrow legal sense, as my other Honourable friend over there seemed to think I take it in the ordinary meaning of the language

And as to the advancement of the date of the Statutory Commission I never suggested, I have not suggested and it has never been suggested, that there was any legal difficulty in the way. The method of acceleration has been clearly stated on many occasions. I again restate it. It is co-operation. Now, I quite understand this House feeling that to repeat this word in a parrot-like way is to give no real answer. But co-operation is not a word. It is a continued and steady course of conduct. If every Member of this House and in every Legislature in India stood on his legs and shouted 'We co-operate', that would have no effect on my mind at all. It is by a steady course of conduct that facts are established. It has been said that co-operation has been received to a considerable extent. I will not deny, that in certain quarters it has been received. I acknowledge thankfully on the part of Government the co-operation that has consistently and steadily been extended to the Government by the first Council of State, and which I am perfectly sure will continue to be extended by the present House. I acknowledge that. There are other instances undoubtedly, and the atmosphere is getting better. I hope so and I hope it may continue. I look to my Honourable friend to produce that result by his own efforts and by the efforts of those that think with him. I will not enter into the difficult intricacies of some parties with which I am not fully acquainted lest I tread on delicate ground. I trust soon that all parties may have at any rate one view and that is that they will work the existing constitution for all it is worth, and when that comes about, then my Honourable friend will move his Resolution in a happier time. I regret therefore I am still unable to accept the Resolution moved by my Honourable friend, and I trust that in spite of what he has said he will follow, as I know he wishes to do, the ways of peace and accept the advice of one who is older than himself who sits in front of him, and withdraw his Resolution.

THE HONOURABLE THE PRESIDENT The question is that the following Resolution be adopted

"This Council recommends to the Governor General in Council to urge upon His Majesty's Government the appointment forthwith of a Royal Commission to investigate and inquire into the working of the present Indian constitution and to formulate a scheme for the establishment of responsible government in India."

The motion was negatived

15th March, 1926

RESOLUTION RE CREATION OF A SELF-GOVERNING TAMIL SPEAKING PROVINCE

THE HONOURABLE SIR C SANKARAN NAIR (Madras Non-Muham-madan) I move

"This Council recommends to the Governor General in Council to advise His Majesty's Government to take such steps as may be required to constitute the following districts inhabited by the Tamil speaking race, that is to say, Chingleput, North Arcot, Salem, Coimbatore, South Arcot, Tanjore, Trichinopoly, Madura, Ramnad and Tinnevely, into a Province with complete self government."

As I have got only 30 minutes, I shall deal at once with the Resolution without any preliminary remarks. The Districts I have named contain a population of 20,060,037 (last census), of which 810,782 are Muhammadans.

When I use the term self-government I mean that, in framing a constitution for the government of the Province, we should follow the self-governing Dominions of the British Empire so far as circumstances shall permit. I have also in view the perpetuation of our connection with Great Britain and Ireland.

I shall briefly describe the scheme of self-government that I propose in accordance with this view. The Government of the Province should consist of the King, a Senate and a House of Commons. I love the name the House of Commons. Our descendants will consider themselves the inheritors of its noble traditions. A Governor appointed by the King should be His Majesty's representative.

This Parliament should have power to make laws for the peace, order and good government of the Province in respect of all subjects including taxation, expenditure, loans, postal and telegraphic services, railways, aeroplanes, naval, military and air forces.

There is no danger of any kind in giving the Province control over the Forces.

The Tamil land in extreme south of India need not fear any foreign invasion. It does not require an Army except for Police purposes. Even if dragged into war as a Member of the Empire, the Empire or the Province will not be put to any greater danger or expense on account of the Home Rule government. On the other hand, it may be desirable to create an Army so that eventually when British India gets Home Rule there may be armies created by the Provinces which would be able to undertake the defence of the Empire. I think there can be little doubt that a Province would be able to create an Indian force efficient and loyal to the Civil power long before the British Government. I would say in such a case while I would give to the Government of the Province the entire control of their own forces in time of peace, during war the Viceroy and the Commander-in-Chief should have the entire control with power to remove them from the Province for use either in British India or elsewhere. In the interests of efficiency they should have the power to inspect and demand the dismissal of any Officer for incompetency, and in the interests of the Empire they should have the power to demand the dismissal of any Officer for disloyalty to the King.

I shall now state my proposals about the House of Commons explaining how they deal with the great objections to Self-government that are advanced, *i.e.*, the Hindu-Muhammadan question, the cases of various minorities and depressed classes that exist in the Province, as elsewhere in India.

I have already said that my scheme consists of two Houses one of them being a House of Commons. (1) This House of Commons shall consist of 300 members. (2) The Members shall be chosen by single electoral Districts by universal suffrage and secret ballot. (3) The voters must be more than 30 years old and not disqualified. (4) An elector shall be entitled only to one vote, and every elector shall be entitled to vote in any electoral division that he likes. (5) Each District will contain a population not less than 25,000 of 30 or more than 30 years of age according to the last census. (6) An absolute majority must be obtained for election on

the first ballot, if no one obtains this there will be a second ballot which will be confined to the two who have obtained the largest number of votes (7) The election shall be held on a Sunday or any other holiday (8) A group of 30,000 voters in one District shall be represented by a member selected by them The House as stated will according to this scheme consist of 300 members The number of persons more than 30 years old, who alone will have the franchise is about 8,000,000 according to the census of 1921 Universal suffrage seems to be necessary in the interest of the so-called lower classes

I have carefully considered this question of the electorate and I have come to the conclusion that suffrage without any restriction as to property or education or office or position should be given I am one of those who think that the regeneration of a class can be effected only by the class itself The so called depressed classes form the most numerous element in the population The higher castes, the land owners, the wealthy classes, may be very well inclined towards them, so have the British Government been We know the result They are what they are There is no reason why we should not make them responsible for their own future Let them shape their own destiny Universal suffrage therefore limited only by age and any disqualifications that may be imposed is what I have suggested The conditions justify the proposal I will not dwell now upon the keen interest taken in the election of the members to the Councils created by the Government of India Act I may draw attention not only to the energy and the interests shown by the candidates and voters, but also by others in Municipal elections It was not the case that a few years ago much interest was taken in elections to the Local Boards, but very different is the case now I know something of the Co-operative societies and Unions in some of the Districts The great majority of the members are ignorant of English, but the questions that come before them are discussed, if I may venture to express my opinion, with intelligence and ability and those who are interested watch closely the conduct of these members Some of these Unions consist of fishermen and so called depressed classes We know the tenants are fighting the landlords vigorously and openly in the matter of elections to the Legislative Councils, and when it is remembered that in many instances they belong to the so-called lower and higher castes, respectively, we may judge of the spirit shown by these classes Railway employees, Mill hands are combining and making themselves heard and felt Recent untoward events have shown the necessity of legitimate expression of their views in Councils I would draw special attention to the great uprising of the depressed classes and so-called untouchables Their claim to temple entry, the insistence with which they press it forward, the riots some times accompanied with bloodshed, their sacrifices, including hunger strike, show the awakening of these classes No priestly influence or property stand in the way of these classes of people to any substantial extent, and if for the first few years the priest and the lord of the soil influence the voters the position cannot be worse than it is now, and to me it is certain, looking at what is going on, that within a short time these men will fully assert themselves Already the right to vote has created a feeling of great self-respect and broadened their general outlook in almost every direction So much therefore for the so-called outcastes and depressed classes, next I shall deal with the minorities

The Moslem League at their last session claimed and allowed communal representation in favour of all minorities The communal re on

claimed for the Muhammadans by the League are due to the strained relations between Hindus and Muhammadans all over Northern India on which Sir Abdul Rahim laid stress in his speech. Fortunately, such is not the state of things in the Tamil land. May I be allowed to read to my friends what was said by Maulvi Sayad Murtuza Sahib Bahadur only a few days ago in the Legislative Assembly? He said "I come from a province where we are 7 per cent and 93 per cent are our non-Muslim brethren and yet both communities live there very happily. There is no Hindu-Muslim question there. We respect the feelings of our Hindu brethren there and they reciprocate the same feeling towards us." Apart from the fact that the relations subsisting between the Muhammadans and non-Muhammadans do not demand any communal representation, for other reasons also it seems to be uncalled for and futile. In the whole Presidency with communities occupying different areas and speaking four different languages with separatist tendencies the Muhammadans form only 7 per cent.

In the Tamil land out of a total population of about 20,000,000 the Muhammadans form about only 810,000. Such representation therefore will not be of any use to them. On the other hand, it may be prejudicial, universal suffrage will only give them less than a twentieth of the members, educational or property qualifications still less. Representation far higher even than the numbers might warrant will be of no avail for practical purposes.

But all the benefits of communal representation are secured by allowing the voter to choose his own electoral District. This provision would enable the Muhammadan voters in various Districts to choose a particular District for voting and thus secure a majority in the same District. There is a further provision under which they might form a group of 30,000 voters in any one District and elect a member. This would prevent any possible hostile combination by the other classes. These two safeguards secure to them the benefits of communal representation while it is not imposed as under the existing law on those members of the community who do not wish for the same. The same observations apply to the other classes who are in the same position.

The Christians come next to the Muhammadans and number 697,925. Both of these are comparatively considerable in numbers. Confining myself to the religious communities the Jains number 14,044. There are certain persons called Animists who are said to number 1,320. There are 639 Buddhists, 58 Parsis, 36 Brahmos, 19 persons who describe themselves as Theosophists which means, I suppose, that they do not belong to any recognised religious sect. There are 5 persons who are described as Agnostics and 2 as free thinkers. Now it may well be doubted whether, if any religious minority requires protection against orthodoxy, it is not the last two denominations. Now all these minorities are surely not to be represented by separate nominees of their own, by separate electorates, even though such representation would be futile for any practical purpose.

While the minorities have thus got the benefits of proportionate representation if they desire it, I would in addition give them further safeguards or deliberation, of careful consideration as explained below. It has also to be borne in mind that various classes smarting under real or imagined hardship may utilize the House of Commons to sweep away their grievances, real or not, in a manner that might cause intolerable hardship and misery.

to the other classes. It is also possible that a democratic assembly may under the impulse of passion or the influence of a demagogue be led to ill-considered and hasty legislation. To meet this situation a periodical dissolution of one-third of the assembly, a second House which I have called a Senate and a reconsideration of any legislative measure is proposed. The proposals which I now proceed to explain are intended for that purpose.

(1) On the expiration of one year from the date of the first election, 100 members chosen by ballot shall vacate their seats and a fresh election shall take place to fill their vacancies. (2) On the expiration of 2 years from the date of the first election another batch of 100 members shall similarly vacate their seats and be replaced by members who shall be elected by those electoral Districts. On the expiration of the 3rd year the remaining 100 members shall vacate their seats and shall be replaced by the electoral Districts. (3) From this time forwards a batch of 100 members shall continue to vacate their seats after having been members of the Parliament for 3 years. (4) A member who got in by a bye-election shall be regarded for this purpose as standing in the shoes of the member whom he had succeeded.

SENATE

(1) The Senate shall consist of persons—(a) whose annual income is not less than Rs 1,00,000, (b) who have been members of the Government before or after this Act is passed, and (c) members of the Civil Service who have retired after twenty years' service. (2) Any law passed by the House of Commons shall become operative when it receives the assent of the Senate. (3) The Senate may refer the measure for the further consideration of the Parliament after the next election of the 100 members. If the measure is again passed by the House of Commons by a majority equal to or larger than the majority by which it was originally passed the law shall become operative. If the measure is passed by the majority smaller than the majority, which passed it originally, the Governor in Council may on the request of the Senate remit the measure again for the consideration of the House after the next election. The decision of the House will then be final. (4) On a reference to the House of Commons by the Senate, it will be open to the latter to refer the measure immediately to the opinion of the electorate. (5) Before any reference to the House of Commons it will be open to the minority, if it is not less than 100 members and the Senate, to refer the measure to the opinion of the electorate. (6) The decision of the electorate shall be final.

Thus no sudden wave of religious fanaticism can carry the assembly into any hasty conclusion. If under these circumstances and in spite of the safeguards by proportional representation the Muhammadans still desire communal representation, I am prepared to agree to it as I am satisfied a few years' experience will satisfy them of its baneful effects and they will abandon it and it will serve as a warning to the minorities in similar circumstances elsewhere in India. I have no doubt my Muhammadan friends will remember that the same principle will apply to the Non-Muhammadan minorities in the Muhammadan North West Province and other Muhammadan Provinces in similar circumstances that may be given self-government if they accept the policy I am putting forward.

I have now a few words to say about the services'

SERVICES

The idea of constituting an Indian Civil Service was conceived at a time when it was necessary to protect against their own country men the people of India from economic exploitation and alien oppression. It was also necessary to bring out young men to obtain experience in order to govern India. Those conditions do not now exist. What we now want is experts in every branch of knowledge for the development of India's natural and other resources, to carry on research work in India and to train Indians themselves in research work to organise and govern Universities and large educational institutions. We want trained administrators of proved capacity and men whose statesmanship has been proved. We want to engage these men only for definite periods to be succeeded by others who will bring to India the knowledge then available in Europe and America. This possibly would be more costly than the existing machinery, but in the meantime the pecuniary prospects of the service as it now exists should in no way be prejudiced. The following provisions are therefore put forward for consideration: (1) The members of the Indian Civil Service, who belong to the Madras Presidency, shall not in any way be prejudiced so far as their pecuniary prospects are concerned by the constitution of these Districts into a Province. (2) The Civil Service of the Province shall be recruited solely by competition either in the Provinces itself or in England for the next 5 years generally under the same conditions as now prevail. It would be open to the Governor to entertain outsiders for fixed periods as experts. (3) After 5 years it will be open to the Parliament to make fresh regulations for the recruitment of the Civil Service subject to the provision that those who are already in the service will not be prejudiced so far as their pecuniary emoluments are concerned.

I have now to explain the reason for bringing the question of Home Rule for Tamil land alone before this Council. The communities of India are in such varying stages of evolution, social, moral, economical and political and are separated from one another by such differences, and other conditions vary so much, that it may be that the same constitutional machinery will not do for all the Provinces. I shall not here discuss the propositions of the Secretary of State about the Hindu Moslem difference or the problem of defence or the British Army as my Resolution is restricted to one particular part of the country where these problems do not present the same difficulties as they may be held to do in other parts of the country. Each province may put forward its own scheme meeting any difficulties with which it may be faced. I believe this fact is already recognised. The late Mr C. R. Das has put forward one scheme for Bengal. Lala Lajpat Rai has put forward another for the Punjab. It is for the members of the various Provinces to bring forward their various schemes before the Legislature and the Government. I am putting this forward on behalf of the Tamil race because I am fairly well acquainted with the conditions of the Madras Presidency, and I think the Tamil Districts are entitled to autonomy. I am aware that in many parts of India there may be serious objections to the language test. But in the absence of such objections language should be the guiding principle. A common language is desirable in a Home Rule Parliament. The educational policy followed since Lord Curzon's time, the direction the Reforms have taken have practically eliminated English as the common language. The relations between Europeans and Indians are more cordial in southern India than elsewhere.

The Tamil nation is as intellectual as any in India and the Tamil boys are holding their own in India and in England. They have got a culture which they claim is not inferior to any other in the world. They are liberal in their attitude towards all religions. It was a Tamil King who introduced Muhammadan religion into India and had mosques built for them soon after the days of the Prophet. Another Tamil King received St. Thomas the apostle and introduced Christianity into southern India. Another King welcomed and gave a home to the Jews after their dispersion. The revolutionary spirit has not made any substantial progress.

I come next to the question of co-operation, the working of the Reforms about which there has been a good deal of misapprehension. I know the aim of the authors of the constitution and what was expected of it as well as any other. It was not a dyarchy, which postulates a separate purse for both halves of the government. Being a transitory stage if the goal itself was not made attainable great advance towards it was rendered possible by operation of the machinery inherent in the scheme itself. This progress was to be achieved by allowing the ministers to interfere with the working of the reserved half, through the instrumentality of the joint purse and joint consultation on all important subjects. This requires of course the hearty co-operation of the reserved half and the Governor. Thus when the Secretary of State said about that scheme that "where it has succeeded the price of the success has been at some stages and in some directions a considerable inroad upon the dyarchical principle" he was paying the highest compliment to the authors of that scheme though he used an unfortunate word. This precisely is what was intended by the scheme. I derive a personal satisfaction as it was the view expressed in my minute of dissent from the Government of India on the question of a joint purse which cut at the root of Dyarchy that was finally upheld. I presume the Secretary of State had Madras in view. I do not wish to say anything about the other Provinces. About Madras allow me to read the opinion of the late Chief Minister Sir Theagaraya Chetti, who was speaking on behalf of his Government "Madras can proudly claim that under the Governorship of His Excellency Lord Willingdon, provincial autonomy has grown as rapidly if not much more so than in any other part of India. From the outset it has had party government. The Ministers are all leaders of the party in power. They work with the rest of the Government in one Cabinet and so reduce the evils of Dyarchy to a minimum. The important portfolios of Revenue and law and justice have both been handed over to non-official members of the Executive Council. The Finance Department is common to both sides of the Government. The party in power has every reason to regard the Government of Madras as their own." For detailed information I would refer the Honourable Members to the Reports of the Local Government on the working of the Reformed constitution. The Madras Presidency having gone very far in the direction of unitary government, transfer of all the subjects and Home Rule seems to be the next inevitable and logical consummation.

I have now to state my reasons for not making any proposals about the Government of India. Such proposals should really be made by the Parliaments of the self-governing Provinces of India in consultation with one another. But whether it is so or not, I do not wish to overload the boat and complicate the situation as the Government of India can be treated separately. Any attempt however at the present time to introduce any responsibility in the Government of India or any

modification in machinery in the Government of India will in no way be inconsistent with or repugnant to the scheme that I am now putting forward. And my omission should not stand in the way of any favourable consideration of these proposals. Now I come to the last and perhaps the most important question of all, is it necessary now to push forward?

Since the war all over the world there is a movement for freedom, in America in Africa and all over Asia. It is not indigenous to India alone. But in India the demand has acquired an intensity for reasons of its own. Lord Ronaldshay speaks of that "consuming hatred of the west that is gripping the spirit of modern India with an intensity comparable with that displayed by the amazing vegetable ground known as the water hyacinth which has laid hold of and is rapidly choking the great water ways of Bengal." He describes in detail the differences in what he calls the thought structure of the west and of India. The differences according to him are fundamental and make the different races view the problems of life from entirely different standpoints which run throughout the philosophies and religion and therefore their social and political institutions and their ideals of administration. The great social and economic transformation which is needed in India would therefore seem to be impossible under the present system of government. This view repeated in almost identical terms can be supported by extracts from various writers. It is not the Hindus alone who have demanded Home Rule but also the Muhammadans. The All-India Moslem League in 1924, at Lahore declared the speedy attainment of Swaraj as one of its declared objects and they say it has become a daily factor in the daily life of the Indian people. This Resolution was practically reaffirmed by the same League in December last at Aligarh. Natural rights are prone to slumber till roused into tremendous activity by practical grievances when people become fanatic in their faith. It does not matter whether they are real. It is enough that from the days of the old Indian National Congress the Indian politicians have affirmed their reality and the masses fully believe in their reality. I speak with special reference to the south. The Indians want the land to produce to its full capacity. They want the agricultural labourer to get his share of the produce, a living wage, before its distribution amongst others who may be entitled to it. They want the ryot also to get his share out of the produce sufficient for his living before the tax-

the enthusiasm, the devotion and the energy of which a national Government alone is capable for the nation to attain its full development on all sides, and to deal with the problems between capital and labour, landlord and tenant, between sexes, and religious and class issues India wants a national flag under whose shadow Indians might be safe. The English flag is admittedly no protection to us. The Indians will not continue as helots despised by all the nations of the world. Indians, politicians and others have been driven to the conclusion that self government is the only remedy. It is the conviction that in spite of repeated attempts not only no adequate efforts are being made but the steps which are being taken tend to aggravate the situation that has led to the bitterness testified to by various witnesses. Is it not possible for us to get on well together as members of the same Empire to work for our common good and for the good of mankind? I know it is dangerous to conjecture and it may be that the great war would have been won even without India's assistance. As a fact it was won with the assistance of India which was cheerfully given. Apparently no one will know the nature of the assistance rendered by India to England, nor do the Government of India and the Secretary of State seem to be very anxious to make public that information to India and the world. Our loss in human life by plague and influenza due to our privation consequent on the war alone comes to, I make a moderate estimate, at least 20,000,000—the Census Commissioner says 125 millions have been affected,—a total not less than that sustained by Russia, Germany, France and England. The Muhammadans in particular feel this more than any other as they cannot escape the reproach of having contributed to England's acquisition of what is called the Near East Muhammadan countries to keep her way clear to India, a situation which according to them requires absolute Indian Home Rule or independence. God grant that another war may not come, but if it comes before this bitterness disappears, under the conditions that now exist it seems fairly certain that England will not get that assistance from India which she obtained last time and she may even be faced by a hostile India. A grave warning was uttered by a Muhammadan gentleman who pleaded for Home Rule with the responsibility of one at one time a member of the Government of India, who deprecated any delay as it might endanger the position in India on account of the growing desire for separation. A similar warning of the serious danger of separation in the All-India Leaders' manifesto supporting Dr. Besant's Bill should not be disregarded. I have selected two out of the innumerable warnings that have been published. Already the extreme left wings, both Hindu and Muhammadan, are claiming independence. I trust that my language will not be taken as minatory in tone. This bitterness has not permeated the whole of southern India and any substantial step taken in the direction that I suggest would be a pledge of good real faith, inspire confidence and go far to calm the public mind. The aim of the class to which I belong is to establish a British commonwealth of nations in which each nation or race might develop its own civilization, might give of its best to the Empire and the Empire might give of its best to its component nations. For this purpose partnership and equality must take the place of subordination. India in her present temper if allowed to get out of hand without being properly directed might ruin the Empire. India might become a scene of chaos and bloodshed and England fall from her high estate covered not with glory but with infamy. On the other hand, with India as a partner the Empire will be a bulwark for peace and goodwill among all the nations.

the self purification and the spiritual exaltation that will come to England by grant of Home Rule and her glory through the coming ages will be unexampled in the story of nations

It is in this spirit, and actuated by such feelings, that this Resolution is brought forward and I commend it to your favourable consideration

With your leave, Sir, I lay on the table these propositions that I have formulated in case any Honourable Member of the Council wants to have a glance at them

THE HONOURABLE MR J CRERAR (Home Secretary) Sir, in rising to oppose this Resolution, I feel somewhat in the position of a man who, having been invited to dine in order to meet two old friends and having attired himself in the manner suitable for such an occasion, finds himself unexpectedly in a vast assembly of extremely important people with very few of whom he has any but the most distant acquaintance. That would have been entirely my position, but for the courtesy and consideration of the Honourable and learned gentleman who two days ago conveyed to me an intimation of the lines on which he proposed to develop his argument. I am much indebted to the Honourable gentleman for that measure of courtesy, but I confess it is very far from relieving me from my embarrassment. Indeed when I received the first notice of the Honourable and learned Member's Resolution, I was somewhat struck by the fact that it seemed to raise two distinct and exceedingly important issues, but the Resolution as it has been argued and expounded by the Honourable gentleman has done a great deal more than that. It raises a whole multitude and multiplicity of issues each one of which is of extreme magnitude and complexity, and I fear if I were to reply in detail on the merits of each one of them I should have to invite the House with extreme reluctance to attend a long and elaborate course of lectures on political science. I do not propose to myself either the presumption of extending that invitation to the House or the audacity of undertaking such a course of lectures myself, but I say this to explain why my reply to the Honourable gentleman must necessarily be brief and summary, and I trust that the Honourable Member will not ascribe the brevity and the summariness of my reply to any discourtesy to the argument which he has laid before the House.

The two issues to which I referred and with regard to meeting which in one debate I anticipated some difficulty—the two issues are firstly the constitution of a province on a linguistic basis and secondly, the granting to the province so constituted of complete self-government. The preliminary issue is one on which the Honourable gentleman has touched very lightly himself, the preliminary issue of the constitution of a province on a linguistic basis. I was reminded of the old adage about first catching you hare, because the Honourable Member entertained and instructed the House for the greater part of his speech with the process in which he proposed to cook his hare. I had occasion very recently to explain what is the attitude of Government to the general proposition of the constitution of provinces on a linguistic basis, and indeed to any particular proposition taking that form. I trust the House will bear with me if I recapitulate that position very briefly, because it really is essential to my argument and it is essential to the position which I have to explain to the House this morning. I then explained that, in accordance with the policy which is laid down in the Montagu Chelmsford Report and likewise in the Joint

Parliamentary Report on the Government of India Bill, the policy of Government with regard to these proposals is certainly one of respect and even benevolence, but they do insist upon these as precedent conditions to any consideration of any such proposition, firstly that the proposal should emanate directly from the community concerned, that there should be the strongest indications of a very strong measure of public opinion in that community behind the proposal and that that public opinion ought in the first instance to be expressed through its proper, primary, constitutional channel, the local Legislative Council. I think that in some measure the Honourable and learned gentleman recognised the justice of that position himself, because he observed in the course of his argument that "each province should put forward its own scheme." I think the Honourable Member would have been wise if he had adhered more fully to that position the wisdom of which I entirely appreciate, and which is embodied in the brief outline I have given of the attitude of Government to all propositions of this character. The Honourable Member however attached comparatively little importance to the fact that his proposition had certain reference to a linguistic basis, he did not attach very much importance to that linguistic basis, for he said incidentally that English has ceased to be the common medium of communication in the country. I must take

THE HONOURABLE SIR C SANKARAN NAIR. I said "is ceasing to be." Not ceased but is going to cease.

THE HONOURABLE MR J CRERAR. About to cease to be the common medium. Perhaps the Honourable Member is right in his prophecies, but he is not dealing with practical propositions. I think we will be well advised to adhere to, and to argue on, facts as they are. People as a matter of fact are not brought together and kept together in the intricate organisation of a modern political unit by vocabularies and lexicons. With the shrinking of the world in consequence of the great developments in means of transit and communication the enormous complexities of economic, intellectual and social interests have set up a condition of affairs in which you cannot eliminate and isolate one single factor in the factors which make up the possible basis of a State. The days of the City State are over. Even so compact, homogeneous and successful a small State as Switzerland is far from being a State in which a single language is the basis of its unity. Switzerland is a country of four languages and nearly all the numerous States which have been created as a consequence of the war are polyglot. I must therefore demur on that ground to the first part of the Honourable Member's proposition. They are things which cannot be taken for granted. I do not say that a proposition of this kind may not have to be a sound proposition. All I say is it has not come to us in the proper form or at the proper stage. What the Honourable Member is inviting the House to do is not to examine the proposition, but to pronounce an exceedingly comprehensive affirmative decision. There are, for example, one or two comparatively minor matters—minor matters relatively to the larger propositions urged—which are nevertheless of very great importance. What, for instance, is to become of Madras the capital of the Madras Presidency, under the Honourable gentleman's scheme?

THE HONOURABLE SIR C SANKARAN NAIR. Madras is not included in this. The Madras Collectorate is not included in my proposal.

THE HONOURABLE MR J CRERAR. I am glad to receive that assurance because I looked at the map and the territorial divisions which appear in

his Resolution and it seemed to me that he intended either to annex Madras to the Tamil Nadu or perhaps to mediatize it

I am glad, however, to accept his assurance that the other communities in the Madras Presidency would still be left with some remnant of interest in the capital of then Presidency

Now, Sir, I am not in any sense objecting to the Honourable and learned gentleman's raising these issues and placing them before this House. I quite concur in his proposition that it would be wrong to suppose, wrong at any rate to presume, that political progress in India must necessarily pursue identical and simultaneous lines throughout the whole of this great continent. Indeed the Government of India Act expressly recognises that fact. It is recognised in the Joint Report, and in opposing the Honourable Member's Resolution, I should not desire to be construed as in any sense attempting to lay an embargo on, or putting any obstacles in the way of, proposals of this kind being carefully and duly considered. Indeed, in proportion as the issues involved in them are momentous and in the extremest degree complex and difficult, clearly an inquiry ought to be carried out deliberately, thoroughly and exhaustively. That has not yet been done and what the Honourable and learned gentleman is proposing to do is not to promote such an inquiry. If that were the case, I should personally, subject to the conditions precedent I have referred to, not be opposed in any way, but what he is advising the House to do is to come to conclusions on propositions before they have been made the subject of due inquiry.

Now, Sir, that is practically all I have to say on the first issue or rather the first group of issues moved by the Honourable gentleman. I have not very much to say about the second, largely for reasons which I think the House has already apprehended. He has raised the great and important question of the immediate grant of provincial autonomy in its most extreme form. I think I should be justified in taking some objection to the Honourable Member raising that issue now and in this place, because it did as a matter of fact form a relevant issue in a very recent debate on the Honourable Mr Phiroze Sethna's Resolution. The House will remember that an amendment was moved by an Honourable gentleman who is unfortunately no longer with us, which brought into issue the question of the immediate grant as it was phrased, of complete autonomy to the provinces. That subject was directly in issue in the course of the debate and it was decided in the negative, and I might perhaps have taken some exception to the Honourable Member raising in another form an issue which, I maintain, has already been considered by this House, only very recently, and has already been decided in the negative.

THE HONOURABLE SIR C SANKARAN NAIR. Could the Honourable Member tell me which Resolution?

THE HONOURABLE MR J CRERAR. The amendment to which I was referring cited a Resolution passed on the 18th September last in the Legislative Assembly, which directly brings in the question of complete provincial autonomy, which is the point to which I refer. However I only make that as a preliminary remark.

Secondly, I am unable to meet the Honourable gentleman's case in all its details for another reason. Quite apart from the fact to which I have already alluded, namely, that the matter in substance has very recently

been before this House and decided, it is quite obvious that constitutional and political decisions of this kind are matters which must inevitably come within the scope of the Statutory or Royal Commission, and I think that if we attempted to say Aye or Nay on the numerous important propositions which the Honourable gentleman has laid before us this morning in a very summary manner, we should ourselves be prejudging the inquiry which must necessarily fall within the scope of that Commission. Therefore, I am not prepared to enter deeply into the merits of the constitution proposed by the Honourable and learned gentleman for his Tamil province and I will limit myself to making a very few summary comments. I notice that this happy Tamil province is in the fortunate position of having, as far as I can judge, no Executive Government whatsoever. That famous passage in the treatise on Iceland, "there are no snakes in Iceland" summarises as far as I can judge, the account given by the Honourable and learned gentleman of the executive Government which he proposes to set up in the Tamil province. Then I come to the Legislature and I take first the Senate. I am not quite sure whether the House has completely gathered what the constitution of that Senate is to be. It was, I think, to consist partly of gentlemen who draw not less than a lakh of rupees a year from land, of former members of the Government and of members of the Civil Services with 20 years' service.

THE HONOURABLE SIR C SANKARAN NAIR That is the Senate

THE HONOURABLE MR J CRERAR I am now referring to the Senate. I must disavow any plutocratic proclivities except in so far as they may arise from the conversation and association which I have enjoyed with Honourable Members of this House who draw fabulous revenues from vast estates. I disavow any further plutocratic predilections, but I cannot help feeling a certain subtle sense of flattery that the Honourable and learned gentleman should have equated a revenue of not less than a lakh of rupees from landed estates with 20 years in the Civil Service, and if that indicates the views entertained by the Honourable and learned gentleman as to the appropriate scale of pension on the expiry of 20 years in the civil service.

THE HONOURABLE SIR C SANKARAN NAIR I did not say that. He must either draw that income or have had 20 years' service.

THE HONOURABLE MR J CRERAR I was not suggesting that he proposed to give a *jagir* of the value of one lakh of rupees to every member of the Senate. I merely suggested that if the Honourable Member equated gentlemen with this income with gentlemen whose claim to public estimation was 20 years' service in the Civil Service, he in some sense implies a compliment to the Civil Services which I am very happy to note. Whether the rest of the community concerned would be prepared to accept this combination of plutocrats and bureaucrats as sufficiently representative of every important interest, especially in view of the extremely important functions that are to be assigned to the Senate, I have considerable doubt. There are I take it industrial interests. There are I take it commercial interests. There are I take it interests of various kinds—a multiplicity of interests which, unless adequately represented in the Senate, might perhaps take some exception to the representative character of the Senate proposed by the Honourable and learned gentleman.

I pass on now very briefly to deal with the House of Commons. I invite the attention of the House to the very important and significant

proposal of the Honourable and learned member to institute universal suffrage with no property qualifications and no educational qualifications whatever. In other words, making all deductions for his claim that in the area which he proposes to convert into a province education and civilisation are very advanced, the predominant majority will consist of what we must unfortunately still call the depressed classes. Now, Sir, the Honourable Member proposes to put supreme political power now into the hands of a predominant majority of what he himself calls the depressed classes. He does not propose to give political control contingently on there being a final court of appeal or revision but by instituting the popular referendum he proposes to put them very directly and immediately into power. Whether a proposition of that kind is a proposition for which the times are already ripe I am very doubtful, and I think this House will be very doubtful. The Honourable gentleman said, very rightly I think to some extent, of the depressed classes that we should let them shape their own destiny. I must however remind him that his proposition implied that they are not only to have a voice in shaping their own destiny but a predominant voice in shaping the whole destiny of the whole State into which they are to be constituted. Now as regards the Honourable Member's expedient for dealing with the representation of minorities, I am not quite sure whether the House quite appreciated what he intended. I take it that under his proposals there would be a large number of electoral districts.

THE HONOURABLE SIR C SANKARAN NAIR 20 millions is the population and 300 electorates

THE HONOURABLE MR J CRERAR And with an electoral district of approximately 30,000, well we should have at any rate some hundred electoral districts. The expedient he propounds is that the particular minority which desires to have some separate degree of representation is to arrange to vote in one or more of these electoral districts. Well the detailed working out of electorates of that kind would be extremely difficult, and I do not think that any part of such an electorate is nearly well organized enough and sufficiently aware of its own political interests to be capable of taking advantage of this expedient. And I think it pretty certain it must necessarily break down in practice. Then another point on which I have a considerable amount of doubt also relates to the House of Commons. The Honourable Member has not provided his province with an Executive Government, and I am not quite clear whether or not he proposes to equip it with a Government run on party lines. But if he does, I must point out that his expedient of turning out a hundred Members of the House of Commons by ballot every year will have an exceedingly unsettling effect upon his political system. Let us assume that we have Ministers in power with a majority of, say, 75, a fairly strong majority for an administration to possess in a House of 300. Supposing by the fate of the ballot 75 of their supporters are removed, as might quite conceivably happen, what is going to happen to the Ministry? That is to say, every year by a process of ballot you put your ministerial system into the utmost jeopardy, and I cannot imagine how any consistent, continuous and stable policy could be framed or executed under conditions such as that.

Then, Sir, we come to the public services. I have already made some acknowledgment of the attitude displayed by the

Honourable and learned gentleman in the matter of his constitution of the Senate, but when I come to his specific proposals regarding the public services I fear that the compliment evaporates. I take one practical exception to the Honourable Member's suggestion. He says the time has long gone past when it is necessary for administrators in this country to acquire experience of administration by long labour in the country, and he proposes that then places should be taken by expert administrators and statesmen brought out on contract. I venture to warn the Honourable gentleman that he will not get statesmen and administrators of the right calibre and of the right experience on contract. The thing has never been done and I do not think it is likely to be done in India and on the terms suggested by the Honourable and learned Member. Capacity must be based on knowledge, knowledge must be based on experience, experience must be based on work.

Then, Sir, I have two words to say about the Honourable gentleman's military arrangements. The Tamil land he says need not fear any hostile invasion. Why? Sir, because of the British Navy in the first instance, because of the Army in India in the second. Has it completely escaped the Honourable Member's memory that a hostile battleship not so many years ago was bombarding his own capital of Madras? And does he seriously ask this House to believe that the defence of his province can be conducted by any means other than those which now exist subject to the developments which we all look to in the future. I ask the Honourable gentleman, does he suppose that the internal and external defence of his province can be adequately carried out by a provincial militia, over which even the Commander-in-Chief has apparently no control in peace time except the right of inspection and power of dismissing obnoxious officers? When we consider what labour, what industry, what intelligence in the years of peace has to be devoted to the training of an army before it is efficient for the purposes of war, I am astonished that there are Honourable and learned gentlemen who would suggest that a provincial gendarmerie of this kind could discharge one-tenth of the responsibilities which would fall upon real military forces whether for offence or defence.

The Honourable Member, very prudently I think, omitted any proposals for the regulation of the relations between the Provincial Government of his new province and the Central Government. In fact he said such proposals should really be made by the Parliaments of the self-governing provinces in consultation with each other. Well, Sir, I presume the Honourable Member will concede that he could not set up his province until its relations with the Central Government had been determined, and when he goes on to say that such proposals should really be made by the Parliaments of the self-governing provinces in consultation with each other, I might reasonably and fairly conclude that on the Honourable gentleman's own argument his present proposal is extremely premature.

Now, Sir, I have one word to say about the failure alleged by the Honourable and learned gentleman of the Government as at present constituted by law in India and its predecessors to secure economic, social and moral progress in India. I deny the proposition. I think that any one who reads the history of the social, economic and moral progress in India during the last hundred years will, if he is a candid judge, admit that infinitely more progress was made in those 100 years than perhaps in any 500 years that preceded. I should venture to extend to him one word of

warning He suggested that all the social, economic and moral troubles under which we now do unhappily labour will be at once swept away if you have a national government I would invite his sober and serious attention to this question Where in the world, where amongst the most civilized States of the modern world, will you find a State in which moral, economic and social progress have been entirely promoted by the Executive Government? My own reading of the case is that no Government, national or otherwise, is capable of discharging all these tasks single-handed It has not been so in the past, and I fear it will not be so in the future

Sir, the Honourable Member's Resolution has opened a vast province for discussion, a vast field for expatiation, and I do not pretend to have covered more than its widest frontiers, and I have explained to the House that it is useless for me to attempt to do more I may summarise the main reasons why I oppose this Resolution I oppose it not because the Government of India are in any way averse from the undertaking of inquiries as to the various directions in which political progress in India may be achieved But on the preliminary question of the formation of provinces on a linguistic and a racial basis I told the House that we cannot possibly support a proposition of this kind until it comes to us in the right way By "in the right way" I mean, as I have already explained, "supported by a clearly expressed popular opinion in the community concerned, a clearly and strongly expressed public opinion of that kind, communicated to us through the proper constitutional channel" That is my objection to the acceptance of this Resolution before the House Both on that narrow issue and on the broader issues I object to the Resolution, not because we are opposed to an inquiry, but because an inquiry has not yet been held It may be put in progress if the Honourable and learned gentleman exerts himself, but we have not before us the results of such an inquiry The House has not before it the data on which it would be legitimate and wise or even defensible for it to arrive at any final and determinate conclusions

Tuesday, 16th March, 1926

THE HONOURABLE MR G S KHAPARDE (Berar Nominated Non-Official) Sir, I beg to support the proposition put forward by the Honourable Sir Sankaran Nair, not on very intricate or scientific grounds, as I believe in homely things and I put it as a homely reason The Government of India and the British Government for the matter of that have, so to say, set up a school of self-government in India and there are nine pupils in it as there are nine administrations Some of these pupils have carried out the policy and others have been a little troublesome and they have adopted various other methods All government in this world, from my point of view, is regulated on only two systems, the system of punishment and the system of reward Now this good, well-behaved province, I think, deserves to be rewarded, whereas others, who have unnecessarily created trouble deserve a little—not punishment exactly—but disfavour, so to speak This Tamil province behaved very well They never adopted non co operation, they never adopted the tactics of obstructing Government, of paralysing the Government They have behaved very well, taking advantage of all the facilities given to them So some reward is due to them for this purpose I do not understand the scheme put forward by

the Honourable Mover, therefore, I shall not say anything about it, If that is not a good scheme, some other scheme can be adopted. He asks for complete self government. That word has to be defined.

I suppose that is a matter for future consideration, and the Committee will settle that matter and it will have to be negotiated with the Home Government, so there is time for that. The basic principle is to promote the deserving, as in the school room we promote the deserving class and let the sluggards be, so we might let these people go a step further. That is the chief point in the proposal. I therefore support it very heartily. I am not to get it, but I do not mind my friends getting it, and if they get it, it will pave the way for us, it will be an object lesson to the whole of India and by behaving well and making the utmost use of the advantages they have they will open the way for others but by obstructing they will obstruct themselves and obstruct us. The measure contains a sound policy and as it makes for the progress of self-government in India, I heartily support the Resolution moved by the Honourable Sir Sankaran Nair.

THE HONOURABLE MR R D MORARJI (Bombay Non-Muhammadan) :—Sir, the Resolution for the grant of complete self government to the Tamil-speaking districts of the Madras Presidency which has been moved by the Honourable Sir Sankaran Nair, if I may say so without appearing presumptuous, suffers from certain grave defects. I do not know whether his intention is to experiment with this territory in order to watch the results of the introduction of complete self government, or whether he thinks that the Tamil-speaking districts are more advanced than any other linguistic area in the country. I do not believe it could be the latter, for, I am sure in that case there would be many besides myself who would challenge the soundness of such an assertion. Sir, I do not think that under the existing constitution it is either desirable or even possible to establish complete self-government in one or more provinces. I would remind the House that the terms of reference to the Reforms Inquiry Committee two years ago explicitly asked for remedies to remove the defects in the Act within its scope and structure. Complete provincial autonomy which I presume the Honourable Sir Sankaran Nair really means by complete self-government, it was said by many witnesses—official as well as non-official—would be impossible within the existing constitution. I am aware that there has been a great deal of discussion both in this country and in England as to the exact meaning and implications of the term 'Provincial autonomy' in Indian politics. I will not go into the details of this constitutional problem. I think it is enough for the purposes of this debate to say that autonomy in any sense of the term is impossible within the existing constitution. That, I think, was made sufficiently clear by the reports of some of the Local Governments themselves on the working of the Reforms and brought out with great emphasis in the Minority Report of the Muddiman Committee. Provincial autonomy, even if it were possible, would not be desirable under the existing circumstances with autocracy established in the Central Government. One of the Honourable Member's successors in the Government of India, Sir Tej Bahadur Sapru, the first Law Member in the reformed Government in his speech as President of the Liberal Federation at Poona three years ago, said that the establishment of Provincial autonomy, without a simultaneous move towards responsibility in the Central Government, would lead to serious conflict between the Provinces and the Government of India. Progressive opinion in India is unanimous on this point. If the Honourable

Mover of this Resolution, instead of attempting to introduce piecemeal reform of this kind, had brought in a scheme of self-government for India, comprehensive in character and including in it full responsibility in both the Provinces and the Central Government with certain reservations as regards defence for a temporary period, I should have been disposed to regard it with deep sympathy. But his present proposal, I fear, is impossible to carry out, and on that ground alone, if on no other, I find myself unable to support it.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab Nominated Non-Official) Sir, it was a great treat yesterday when the paper was read to the House, naturally the calibre of the one who read it is such that the paper was very ably written. I think the paper was written for the whole of India, and as that chance did not occur some other *via media* had to be found to bring all that before the House, because otherwise all the labour would have been lost. If one had not actually seen the Resolution for which that speech was made, one would have thought that it was really meant for the whole of India. Well as for the whole of India, I think it might be useful whenever the time actually comes when some responsible authority—say the Statutory Commission—comes out to see such proposals for itself. Then of course all these matters could be referred to that Commission. Sir, one of the Members before this also tried to create another province, he was a member from Madras and the province was Kanada or some curious name like that—we are not all experts here on the geography of Madras. But if that province was the same province that our friend now wants to make, then I cannot understand why this proposal has again come up before the same House. Sir, if that was a separate province and this is going to be a separate one, then, including Madras itself, there will be three provinces. In my opinion the people of the Presidency are really the best judges as to how to partition their present Presidency and it is not for us to do so. The scheme in itself is very impracticable. For instance, if one province was given autonomy the other provinces which are not given autonomy would complain. Next day, perhaps another Honourable Member may come forward with the request to create another province in exactly the same way, to secure the ministerial Portfolio of it.

THE HONOURABLE MR P C DESIKA CHARI We want that to be done

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN I will presently come to it and show how impracticable it is. If we had our provinces on a linguistic basis, then, as I said the other day, we would have hundreds of provinces in India and not the 9 or 10 which we have now. The condition of India would be exactly what it was before when there were so many Rajas having various parts of the country. They would have their own armies and perhaps their own navies if the province was in the vicinity of the sea. They will be absolutely disconnected from each other. Their administrations will be different as they will be under different heads. What will happen? Whenever India is invaded, they will crumble like a house of cards. The necessity of unity was felt only recently. We all know that the British army is one of the best armies because it has won the world-war. Next comes the French army. But what happened towards the end of the war? Though the French and the British armies were

working together, it was felt that the trouble was that they were under two heads, i.e., the two different armies. So, when the critical time came they had to bring the English army under the French Generalissimo and after that what happened? There was success and the enemy was beaten. So, it will be seen that unless the army is of the very best material and had gone through the best training under one man, it will never stand the actual test for which it is meant. When these small States all over India with their armies come together to fight against a common foe, I think it will be a bad day for India. After all my friend has brought this Resolution forward because he wants to make progress. Sir, only living things can make progress. If they are dead, the progress comes to an end. If the scheme was such that an invasion from outside was possible where would this Council of State and the Legislative Assembly and the rest of it be? The other powers are not going to care for all this. So the whole progress will be finished.

THE HONOURABLE MR G. S. KHAPARDE It will be the federated India that will decide.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN Sir, one third of India is already under the rule of Rajas. Now, I think there will be lots of people who would say Give us your property in British India and take our property which is situated in the territory of these Indian States. Of course, I know that there are certain very good States down country which have got good administrations. Our friends in Bombay have also got some States but from the recent happenings they have not got the same ideas about their administration. So the people of the North and the South of India are poles asunder in their ideas and many other things and therefore we feel that if all these various provinces are separated the result will be that the Punjab alone will have to fight the enemy on the border. That Province alone would not be strong enough to fight. The Punjab is the most important part of India because if that is conquered the rest of India does not count. The charge of the keys of the Empire has been entrusted to the Punjab in the past. If one-third of India which is already in the hands of Indian Ruling Chiefs can show that it is administered better than the British territory then, of course, it can be said that the time has come when the change suggested by our friends can be made. As things are at present, I think his speech was out of place. He is simply trying to put a round peg in a square hole. I do not always advocate that everything British is the best because I do realise that sometimes there are drawbacks here and there. But there is no doubt that they are the best for keeping the country safe from invasions and that is why they do not take those men in the Army who have been tried and have been found wanting. In the same way, they have also found that however good their fighting material may be, when it comes to a hot climate, where there is malaria and other diseases, it is bound to deteriorate.

THE HONOURABLE THE PRESIDENT I must ask the Honourable Member to come back to the Resolution.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN As to the Resolution Sir, I have tried to prove that it is impracticable to divide India into small units and I hope the House will reject it as it has already rejected similar measures brought forward by Dr. Rama Rau and Mr. Sefhna.

THE HONOURABLE MR K C ROY (Bengal Nominated Non-Official)
 Sir, I rise to oppose the Resolution. I do so with very great regret, firstly, because the Resolution seeks to promote the cause of self-government in this country and, secondly, because it comes from the Honourable Sir Sankaran Nair, a man for whom I entertain the highest esteem. He comes to this House with great knowledge and vast experience almost unrivalled by any other Member of this House, and the House may very well be proud of his membership. His proposition, however, Sir, is an unfortunate one. It postulates, in the first instance, the partition of the Madras Presidency. Those of us who come from Bengal could recall with great regret the unhappy and the evil legacies which the partition of Bengal brought about and left behind. Therefore, Sir, we are bound to caution the House not to give assent to this proposition. Sir, if you consent to the creation of a new province of Tamil-Naidu, why leave out Andhra, Karnataka or Malayalam? What would be the administrative effect of such an adjustment? What would be the net financial result?

Sir, the Honourable Sir Sankaran Nair has been carefully silent about finance. I know that Finance is not the pet subject of constitution makers. The Honourable Mr Desika Chari has spoken as a Tamilian in this House, but what is the verdict of the Tamil speaking race. I ask him to read the *Hindu* newspaper. The *Hindu* newspaper has condemned the project in no uncertain terms and so have the vernacular newspapers. Where is the demand then?

Sir, I now come to the linguistic basis. In recent months I find my countrymen have suffered from two obsessions. One is the round table conference and the other the distribution of India on a linguistic basis. I think the unfortunate lead was given by the Joint Committee, a reference to which was made by the Honourable Mr Crear. The portion that covers Sir Sankaran Nair's Resolution is thus set forth in the Report. I quote from page 8

"They are of opinion that any clear request made by a majority of the members of a legislative council representing a distinctive racial or linguistic territorial unit for its constitution under this clause as a sub province or a separate province should be taken as a *prima facie* case on the strength of which a commission of inquiry might be appointed by the Secretary of State, and that it should not be a bar to the appointment of such a commission of inquiry that the majority of the legislative council of the province in question is opposed to the request of the minority representing such a distinctive territorial unit."

This was an unfortunate recommendation. I am sorry, Sir, but to the best of my recollection the Joint Committee had no evidence on the linguistic data. The only man who could give any authoritative evidence, I think, is Sir George Grierson, whose name perhaps is well known to most Members of this House. In his memorable work he has analysed the languages and I give a brief summary from the official red book of the India Office.

"Excluding the Gilgit Agency in Kashmir and the tribal areas of the North-West Frontier Province, where a language census was not taken, it was found in 1921 that there were 222 distinct languages recorded as vernacular in the Indian Empire."

Distinct languages as distinct from dialects. I want the House to consider for one moment how it is possible to redistribute India on a linguistic basis. At one time I thought that my province of Bengal, which has one language, could be promoted to a membership of the Home Rule Dominions or to the status of a self-governing colony on the basis of language alone, but it was only the other day I found Sir Abdur Rahim

wants Urdu to be introduced in Bengal without delay. Any attempt on the part of our friends to divide India on a language basis is a hopeless proposition fraught with great difficulties, communal, political and geographical. I therefore stand for the political and geographical distribution of India as it stands to day. This has been done as the result of great experience by great administrators and so far has stood the test of time and experience.

Now I come to the last point. The last point is that Sir Sankaran Nair wants complete self-government which the Honourable Mr. Crear described as extreme provincial self-government, and which the Honourable Member of the Resolution subsequently described as Dominion status. His request is without a parallel in history. Has the province of Tasmania got Dominion status? Has the province of Ontario got Dominion status? You can give Dominion Status to Canada, to Australia, but you could not give it to constituent provinces. How is the Member going to adjust the Tamil province enjoying Dominion status with the Central authority? Does he or does he not admit that there will be always under other circumstances a federal government functioning at the headquarters of the Indian Empire? Lastly I should like to remind the House what has been the lesson or history in India. The Honourable Colonel Sir Umar Hayat Khan has spoken in his inimitable style of the lessons of past history. If you allow the provinces to grow unchecked, not exactly on the lines on which the British provinces in the colonies have grown it will undoubtedly be found one day that the provinces will become a menace to the safety of the Central authority and impair the ideal of an Indian nation which has grown as a result of British administration.

THE HONOURABLE SIR C. SANKARAN NAIR (Madras Non-Muhammadan). Sir, I appreciate the courtesy of the Honourable Member who has replied to me. I have nothing to complain of in the tone of the speech, nor have I anything to complain of in the criticisms he has advanced against my proposals. I knew my proposals in the form in which they stood would not have found ready acceptance on the part of Government. As I shall point out, there is only one misconception in the matter, and that is that the Honourable Member has assumed that my Resolution does not require, or does not involve, an inquiry on the part of the Viceroy or the Governor General in Council. It is a request to him by this Council of State to take a step. We only indicate the general principles, and I put forward a scheme for the purpose of showing that I have fully worked out the general principle and have come to a conclusion as to the details of the scheme showing how the general principle can be applied. Once the general principle is accepted, whether that should be the scheme the Viceroy should accept and whether any changes should be introduced into it, are all matters for him to consider before he makes his final recommendation to the Home Government as to whether they should accept it or reject it.

Now coming to the Resolution itself. There is only one point on which I can see any vital difference of opinion between myself and my Honourable friend who spoke on behalf of the Government. That is indeed a great difference of opinion which has to be recognised, that is, in putting forward my scheme for a House of Commons, I put forward the principle of universal suffrage. I put it forward for the purpose of safeguarding the interests of the masses, the interests of the poverty-stricken people. For 40 years I have been in public life and I may say that, all the time, I have been advocating their interests, and whenever I have advocated their

give you higher education but it is for those who have received it afterwards to educate the masses. Over and over and over again measures have been brought forward in this Council or rather in the Council which corresponded to this before the Reforms, and they have been thrown out on the ground that the British Government will not interfere in such questions. They said "We will not interfere with anything which interferes with caste, we will not interfere with anything which has even the semblance of interfering with religion or custom." Therefore, apart from the reasons that I have given, apart from the reasons already cited which Lord Ronaldshay has given, apart from the reasons which arise from the difference of the civilisations which we follow,—apart from all that, apart from the peculiar constitution of the British Government, there is this further reason, that it is the avowed policy of the British Government not to interfere with any of these obstacles the removal of which is necessary for the amelioration of the lower classes. In effect they say, "We are foreigners, we do not know your religion, your social customs, and it is not for us to interfere with them." The logical conclusion is "We give you the power not only to come up to this Council but to settle all that between yourselves." Those are two matters on which we differ, and I am quite ready to recognise that difference. I realise that difference, and if we had popular government here I should be quite willing to go to the country and seek their suffrage on those differences.

Now I come to the other things on which I do not really see much difference except in methods. So far as what my Honourable friend says of the language test is concerned I doubt whether I have made myself quite clear to him. I did not put forward any such proposition. In fact when I heard the speeches of the Honourable Mr. Roy and the Honourable Mr. Morarji I wondered what I was listening to. It was not a reply to my speech, to anything that I had advanced. I did not say that India should be divided by language tests. What I said was that in this instance we may adopt the Tamil language test, and the reason is this. The Secretary of State said in his speech in the House of Lords that so far as any self government for the whole of India is concerned or any further Indian progress is concerned, it is inconceivable for two reasons. One is on account of the Hindu-Moslem conflict. His words are quite clear, he says

"If we withdrew from India to-morrow the immediate consequences would be a struggle *a l'outrance* between the Moslems and the Hindu population."

Then he threw out another challenge with reference to the demand that the British troops should be withdrawn at an early date from India. He says "You want the British Army to be withdrawn from India? What will be the probable consequences of that? He says—and I give it in his own words

"I have never found one who advocated such a course. Is there, in fact, a responsible leader of any school of Indian thought who will to-morrow say 'Commit to us at once the full responsibility and we will acquiesce in the withdrawal of British troops from India'?"

I do not want to say whether that is right or wrong, but there it is. Now there are the grounds on which he says he will not allow anything like Home Rule for India. He went on further to say that he would allow that conditions in India show that each Province may follow its own

social tendencies, its own civilisation, its own development This is what he actually says

"Afford an opportunity to each Province to work out its constitutional salvation in its own way"

Then having said that each Province might work out its own salvation, he said another thing He said

"The Madras Presidency has shown itself fitter for an advance than any other Province"

Now those are the facts on which I go He admits that the Madras Presidency has shown itself to be fitter than any other Province for a constitutional advance We on our part ask the Government to take it up Now, how can it be taken up? Can the Province be taken as a whole for this purpose? I do not know whether my Honourable friend who opposed me was here before the Reforms It was a gentleman who afterwards became a Member of the Government of India who wanted to constitute the Telegu speaking districts into a separate province Another motion was brought forward in this Council to constitute the Kanarese speaking districts into a separate province Madras has four languages, the Andhra, or the Telegu, the Kanarese, the Malayalam, and the Tamil The Malayalam is a very small province and whether we the Malayalees should go with the Tamil or with the Kanara province is a point on which I am not certain in my own mind Considering all the circumstances of the case I took the Tamil province as a separate province which may well claim this constitutional advance I do not mean for a moment that the Telegus should not have it Let them have it by all means, if they want to be separated from the Tamil province I do not say Kanara should not have it if they want to be separate from the Tamil province Naturally in this particular case I take Tamil as a test If the Government entertain any doubts about it I throw it out as a challenge Let them make the necessary inquiries They know well how to make them They can make up their mind whether the Madras Province as a whole does not require a very great advance upon the existing state of things The request is not to divide India into provinces on a linguistic basis I do not even ask for the Province itself to be divided on a linguistic basis, except in this particular instance in which it appears to be appropriate

Then there is the question about the Army The Honourable Member says we are in this fortunate position in the South that we do not want an Army, but he asks me "Why is it you don't require an Army? Is it not because the British Army is all round you" Quite true, but why should we not have the benefit of our geographical position? If we are constituted into a province and the British Army is all round us in the interests of the Empire why should we not have the benefit of it? He says "Supposing the *Emden* comes again?" Now we will not be drawn into a war at all except for the purposes of the Empire Nobody is likely to want to fight the Tamil people We do not injure anybody else We do not wish to conquer anybody else But we may be drawn into war as a consequence of being a part of the Empire In that case it is only right that we should have the support of our Empire because we give our support to the Empire Mutual help will be necessary in that case He says suppose the *Emden* comes again to Madras In the Tamil land,

there are no fortified ports or military or naval stations, and therefore it is not likely that the *Emden* will come to the Tamil land. He says it might come to Madras. But Madras is not in the Tamil land and therefore it is then business to look after Madras. Madras is half Telegu and half Tamil.

THE HONOURABLE THE PRESIDENT The Honourable Member has already largely exceeded his time.

THE HONOURABLE SIR C SANKARAN NAIR Sir, I want only two minutes more. As to the Executive Council and as to our relations with the Governor General in Council, they are all implied in the Resolution. All financial arrangements that are necessary must be made by arrangement between the Governor General and the Tamil Government.

I have done with the Honourable Member and I do not propose to reply to the remarks made by other Honourable Members except to one observation about the Indian States. The principle I put forward of different Provincial Governments with different constitutions is the solution for the Indian States. None other has been suggested.

As to Mr K C Roy's speech, I have already given my answer in replying to the Honourable Member who spoke on behalf of Government. The Bengal partition cut the Bengali nation into two. My Resolution restores unity to the Tamil speaking community.

THE HONOURABLE MR J CRERAR (Home Secretary) Sir, before dealing with the reply made by the Honourable and learned gentleman to my own remarks, I have a few words to say with regard to the speeches made by the Honourable gentleman who supported the Resolution. I am sure that the Honourable and learned gentleman must share with me a considerable degree of surprise, if not at the measure, at any rate at the character, of the support which he received in this House. My Honourable friend Mr Khaparde, I fear, did not treat the Resolution with the same respect and consideration with which I did. The Honourable and learned member said that he supported the Resolution, though he entirely failed to comprehend the scheme which it set forth. He thought that it was a simple and easy proposition based on the principle of punishment and reward. Was he not conscious, was he not, at any rate, apprehensive that there might be a serious fallacy in the assumption that this was indeed a reward because more than one Honourable Member who spoke later indicated that the rosy prospects intended by the Resolution might yet prove to be a calamity? That may or may not be the case and I have not taken upon myself to pass any final judgment upon it. Now, the other supporter of the Resolution, a member of the community for whose benefit this Resolution is being moved, also gave it a very qualified measure of support. In a strange way he contrived to support the Resolution, while dissociating himself to a very large extent from its contents. The Honourable gentleman drew a poetic and, indeed, a pathetic picture of a gallant little bark struggling out from harbour to the open seas to breast and confront the dangers of what he called the bureaucratic gales. It rather touched me. It touched me particularly to find that at least one of the passengers on that little bark was already trembling for his own safety and even before it had left the quay was busily engaged in jettisoning the greater part of its cargo. Well, Sir, those are the views which have been expressed by the supporters of this Resolution.

I now turn to the reply which the Honourable gentleman has made himself. I should like to acknowledge, in the first instance, the courtesy with which he admits that I did endeavour to meet his Resolution in a spirit of judicial and candid inquiry. But he said that there was only one vital point of difference between us. I will come to that vital point of difference, as he called it later, but I myself must interpolate if this is one, that there are at least two vitally important points of difference between us. The first, and to my mind the most vital, point of difference is the difference we have as to what exactly this Resolution purports to do. The Honourable and learned gentleman said that it was not intended to preclude an inquiry. I will ask the House merely to examine what the Resolution says, and to observe that, if Honourable Members approve of this Resolution and accept it, they will be committed not to any interpretations that may conceivably be put upon the Resolution but to its actual terms and implications. I say, therefore, that this Resolution does not invite this House to embark upon an inquiry.

THE HONOURABLE SIR C SANKARAN NAIR Will the Honourable Member allow me to interrupt him? I did not say that this House is not to make an inquiry. It invites the Viceroy to make the inquiry.

THE HONOURABLE MR J CRERAR It does not invite or recommend to the Governor General in Council.

THE HONOURABLE MR P C DESIKA CHARI The Resolution says, "to advise His Majesty's Government to take such steps as may be required." Does that not include an inquiry?

THE HONOURABLE MR J CRERAR It does not include an inquiry on the general principles of the Resolution. The House will be committed to advising the Governor General in Council not to inquire into the merits of the proposition contained in this Resolution but to take steps to carry them into effect. That is a totally different thing from instituting an inquiry. I have myself said throughout that I am by no means opposed to the institution of inquiries into these large constitutional questions, which ought to be exhaustive and minute. But before I come to that point, I wish to deal very briefly with what the Honourable Member called the vital difference of opinion between us. If I may be permitted to do so, I should like, Sir, to correct what was, I am sure unconsciously and inadvertently, a misrepresentation of what I said. I pointed out to the House that the Honourable gentleman proposed to confer upon what he himself called the depressed classes a universal suffrage or practically a universal suffrage together with the referendum. Now, I never expressed myself as opposed to the extension of the suffrage to all or any classes of the population of this country who have reached such a stage of political development that they can in their own interests and in the interests of the country safely be entrusted with it. I never committed myself to any such proposition and I do entirely disavow it. What I did say was that the House would do well to inquire whether such an electorate as the Honourable Member adumbrated is as yet sufficiently well organised and sufficiently capable of taking advantage of this expedient to have it entrusted to it, because, while the Honourable Member proposes to confer this suffrage, he provides no means of regulating or controlling the manner in which it should be exercised. He gave the crude elements of political power into the hands of what he himself admits is a body not yet fully politically developed.

of selection for these two important appointments, and the Mover of the amendment seeks to establish further that that field should in no way be narrowed. My Honourable friend, Sir Umair Hayat Khan put forward the contention that he did not think that the selection should be restricted to any one class of person in India to the exclusion of any other class who had Indian experience and had practically lived in India. I agree with that, not from any racial consideration but simply from the point of view of "let us have the best men, the best brains, for these appointments."

THE HONOURABLE MR G S KHAPARDE Sir, I am very glad and I feel thankful to the Honourable Council for giving a favourable reception to this Resolution. I may state for the information of my friend Raja Rampal Singh, that Privy Councillors get no pay at all. All these Judges—there are 28 Judges sitting in the Judicial Committee—get no pay absolutely. It is only two Judges who went from India and were living in the country and had to incur expenditure for going to London who got what is called an indemnity or allowance of £400, otherwise the whole thing is honorary.

THE HONOURABLE RAJA SIR RAMPAL SINGH Why should Englishmen who go to England and work there get the same pay as Indians?

THE HONOURABLE MR G S KHAPARDE It is not intended for them. However, I am very glad to see that my Resolution has been well received and my meaning has been made clear. Nobody has accused me of communal ideas. As I said before if the amendment as it stands is passed I shall be very glad, but if the amendment goes, I am not likely to be very sorry for that. My main proposition is there. That is what I care for. These are my remarks in reply.

THE HONOURABLE MR J CRERAR (Home Secretary) Sir, I have very few remarks to make and I do not propose to detain the House long. I should like to associate myself with the feeling of gratification expressed by the Honourable Mover at the reception of his Resolution, with the amendment proposed by Sardar Charanjit Singh. Indeed the proposal is of such manifest advantage to India that I could have hoped that it would have been passed without even a single dissentient voice in this House. Some of the criticisms that have been made are indeed rather surprising. The Honourable Raja Sir Rampal Singh apparently accused the British people and the British Treasury of some stinginess in the matter, but I should like to point out to the Honourable Member that for nearly 100 years the British Treasury has paid—and without any contribution from India—the salaries, meagre as they are, of two Judges appointed from Indian courts and they propose now to pay half the salaries of the two Judges to be appointed on the basis suggested in this Resolution, two Judges who, from the information I have given, would be employed for a great part, if not the whole of their time, in hearing Indian appeals. It is somewhat astonishing that stinginess should be attributed to the British Treasury, because to me the proposal seems one of great generosity, one which is an exceedingly good bargain for India, and one which India and this House ought to accept with very warm recognition of the spirit in which it has been made.

I have only one word more to say, and that is with regard to the views expressed by Honourable Member, opposite in respect of the selection to be made to these two posts if the Resolution is accepted and if His Majesty's Government are prepared to act upon it. The Honourable Mr. Chinn, whose motives and respect for constitutional form I am glad to welcome, will surely, I think, see that the regard for constitutional form to which he has directed the attention of the House is the real reason why it is very undesirable and led to place any restriction whatsoever on the Crown in making the selection. As the Honourable Mover of the amendment very rightly said the only stipulation that we ought to make is that merit and the necessary qualification for performing the special functions likely to devolve on the Judges should be the sole guiding consideration and we can safely leave the rest to His Majesty and his advisers.

THE HONOURABLE THE PRESIDENT: The original question was that the following Resolution be adopted:

"This Council recommends to the Governor General in Council to take steps to secure

- (1) that before of future appointment the enhancement of the salaries paid to the two members of His Majesty's Privy Council with Indian experience to sit on the Judicial Committee under the provisions of the Judicial Committee Act of 1933 to hear Indian appeals,
- (2) that they shall be persons possessed of recent knowledge of Indian law and practice and shall be of Indian domicile,
- (3) that their salary shall be £1600 per annum each, half of which shall be paid from Indian revenues, and
- (4) that during any period when this salary is enjoyed any pension payable to either of them from Indian revenues shall lapse."

Since which an amendment has been moved

That in clause 2 the words "and shall be of Indian domicile" be omitted."

The question I have to put is that those words be omitted.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question then is that the Resolution, as amended, be adopted.

The motion was adopted.

Monday 8th March, 1926

RESOLUTION RE PRIVILEGES AND STATUS OF MEMBERS OF
THE COUNCIL OF STATE

Before I proceed to the subject matter of my Resolution, you will permit me to make a brief reference to the position of this House. The bi-cameral system of the Central Legislature was brought into existence by the Montagu-Chelmsford Report. Before that, Sir, as you are aware, we had the Imperial Legislative Council, and we were brought up consequently on the tradition of a single chamber government, or rather a single chamber legislature. It is not surprising to me, therefore, Sir, that, owing to ignorance and owing to our past training, there have been malevolent attacks upon the privileges of this House and upon the privileges of its Members. As to what is likely to be the position of this House in the near future, my own reading is this. The bi-cameral system has come to stay. Even when the Statutory Commission comes out—I am sorry I am not going to prophesy the date—even when it comes out, it will not go into the question of the existence of this House. The existence of this House has got to be accepted by them as a cardinal principle of the Indian constitution. Their business will be to find out whether a second chamber is not needed in the provinces. In my humble opinion, Sir, if there had been a second chamber in the provinces, there would not have been what is known as the deadlock. This is the position of the House to-day, but it is not to consider the position of our House to-day that I have placed my motion before you. It concerns not even the privileges of the House, it concerns the privileges of the Members. Sir, I was gratified to find that the Muddiman Committee, with which you were connected, had gone into the matter in some detail. I will read only a small extract from the proceedings of that great body. It runs as follows:

“It has not been suggested to us from any source that the legislatures in India should be provided with a complete code of powers, privileges and immunities as is the case with most of the legislatures in other parts of the Empire.”

And further on the Committee says

“Eventually, no doubt similar provision will be made in the constitution of British India. But we are of opinion that at present such action would be premature.”

I am in full agreement with this view. But, Sir, the Committee thought it fit to make three very definite recommendations, and these run as follows—

“Members of all the legislative bodies constituted under the Act should be exempted from

- (i) serving as jurors or assessors, and
- (ii) arrest and imprisonment for civil causes during meetings of the legislatures in question and for periods of a week before and after such meetings.”

They go on to say

“This recommendation should, however, not be dealt with as a question of privilege but by amendment of, or action under, the ordinary law.”

And the third recommendation, Sir, which this Committee made, runs as follows

“The corrupt influencing of votes within any of the legislative bodies by bribery, intimidation and the like should be made a penal offence, and this should not be dealt with at present as a question of privilege.”

Sir, these are the recommendations of the Muddiman Committee and these three, Sir, form a very valuable set of privileges which are cherished by the members of the British Parliament. Those who are conversant

with writings on this subject or even with the book written by Sir Erskine may know how these privileges are prized by Parliamentarians in England. I should like to see these recommendations given effect to by the Government at an early date. But, Sir, to-day I wish to place before this House the principal references which the Committee I am proposing will go into. The first was raised the other day in a discussion on Dr. Rama Rau's Resolution, namely, the question of the well-known prefix "Honourable." To that question the learned Law Member of the Government of India gave a conclusive reply. But I claim, Sir, that my Committee, when it is constituted, will have the right further to explore the matter, but I hope, Sir, the result will not be altogether different. In fact, Sir, when I read the official report of the debate in the other House on the paper pulp industry, in one page, the speaker being Mr. Abdul Haye, I find that the members of that democratic body are described no less than in 12 places as "Honourable Members." Even the President of that body describes the Legislative Assembly as the "Honourable House,"—a thing almost unknown in the traditions of the British House of Commons. I will not quarrel with their rights and their privileges, but I should like to make a present of that page to my Honourable friend Mr. Ramadas Pantulu, who, I regret to see, is absent to-day.

Next comes the question of the daily allowances. This has been a thorny question for a long time. My views on the subject are very well known. I am not in favour of a daily allowance, I am in favour of a consolidated annual allowance or salary to the Members to give them a definite economic interest in Parliamentary and legislative duties.

Then comes the question of travelling allowance. I am in favour of giving Members a silver or a gold pass to travel from their own homes to the capitals of British India. Then comes the question of accommodation at Raissa which will take an acute shape next year when the Legislature moves on to the new Parliament House. Already, Sir, Members of the Legislative Assembly have taken necessary steps in that direction, but we for our part have done little.

Then, Sir, lastly is a question of very far-reaching importance, that is that for the supplies for this House we are dependent on the vote of the Legislative Assembly. The Order Paper which we got only yesterday contains no less than six motions which affect the interests of this House. I want my Committee to find out a formula whereby this could be avoided. I fully recognise, Sir, that the democratic body has a right to vote upon supplies of the Government of India, but the Committee I propose could discover a convention whereby that right of vote should not be used with a view to launching an attack upon the privileges of the Members of this House. With these few words, Sir, I commend the motion to the acceptance of the House.

THE HONOURABLE MR. S. R. DAS (Law Member). Sir, I do not propose to deal with the speech of the Honourable the Mover at this stage beyond stating that the Government are prepared to support the Resolution, but I should like to make it quite plain to the House that, in supporting the Resolution, Government do so without prejudice to the attitude of the Government members of the Committee to any question which might be raised in that Committee, and without prejudice to the Government's attitude to any recommendation which that Committee might make.

were deprived of even the due share of their daily necessities such as salt, besides being compelled to forego their conveniences, as a result of increase in the postal rates and railway fares. The cry of "Retrenchment" was, at this stage, raised throughout the length and breadth of the land and even the Government of India were forced to give heed to public opinion. The aid of the "Inchcape axe" was at once sought for, which did its work, so far, admirably well. It pruned all the noxious growths in the subordinate ranks of the services, leaving the top severely alone. Even the military was subjected to a cut, though the cut was not deep enough and to the satisfaction of the public. The Heaven-born Services are, of course, untouchable and so had to remain outside the pale of the Inchcape Commission. To elevate them and to improve their status, was the work of another commission, the Lee Commission, and that is beside our point now. The Inchcape Committee also found it rather delicate to approach the Honourable the Ministers and the Members of the various legislative bodies with their weapon so soon. The Ministers in the various Provinces, however, voluntarily surrendered and offered their own quota of sacrifices, those in Madras consenting to forego Rs 1,000 per mensem each, out of their salaries. With regard to the Councils, the Committee, while pointing out that the expenditure under the head "Legislative Bodies" had increased from Rs 1,71,000 actuals in 1913-14 to Rs 7 lakhs according to Revised estimates and to Rs 8,50,000 according to the budget estimates of 1922-23, made the following observation at page 127 of their Report:

"The large increase which has taken place in expenditure since 1913-14, is due to the appointment of full time presidents, since the expansion of the New councils, the longer sittings held under the reformed constitution and the grant of more liberal allowances to Members present in Delhi and Simla. The bulk of the increase is inevitable but we feel that the matter of reduction or otherwise in travelling and other allowances is one that should be left to the Legislature."

The reasons for this decision are not far to seek. The Inchcape Committee knew that the Legislative Assembly and the Council of State would realize the gravity of the situation and would themselves take the initiative in this respect and so left the whole question to the good sense of the two Houses. So far as the Legislative Assembly was concerned, their anticipations were fulfilled. The Assembly decided, at the time of voting of Demands in connection with the Budget for 1923-24, to reduce the daily allowances admissible under the old rules to the Honourable Members of that House. Under the old rules, for 7 days before the commencement of a Session and for seven days after the conclusion of a Session, Members of the Assembly as well as Honourable Members of this House could have their daily allowances. The Assembly thought that this was extravagant and reduced the grant of daily allowances to 3 days, before the commencement of a Session and 3 days after. This was no doubt a voluntary sacrifice on the part of the Assembly in the interests of economy. Subsequently, when the allowances for the Members of the Council of State came under discussion, there was a motion made by one of the Honourable Members to reduce the daily allowances of this House and also to reduce the travelling allowances. It may here be pointed out that in the matter of travelling allowances, the Honourable Members of this House have the privilege of reserving a first class railway compartment for their personal use and drawing the actual cost of reservation in lieu of 1½th first class fare admissible under the rules. The then Law Member, the Honourable Dr Mian Sir Muhammad Shafi, intervened and appealed to the Members of the Legislative Assembly not to press these motions there but to

them to the Council of State to decide. The Resolutions were withdrawn in the Assembly, on the Honourable the Law Member giving an undertaking to place a motion before this House for the revision of the rules regarding daily and travelling allowances admissible to the Honourable Members of this House and to take away the privilege of reserving a first class compartment from the Official Members. Accordingly, on the 17th July, 1923, the Honourable the Law Member moved a Resolution before the old Council in the following terms

"This Council recommends to the Governor General in Council that, with effect from the beginning of the next Session, the travelling and other allowances of the Members of the Council of State be placed on the same footing as those of Members of the Legislative Assembly."

But the old Council stood unmoved and adamant. While most of the Honourable Members were willing to forego at least the 4 days' daily allowances at the commencement and conclusion of a Session, they were not prepared to give up the privilege they enjoy in regard to railway travelling. They said in effect

Kings may come and kings may go,

But we must go in saloons all the same

The discordant note was first struck by a European Member, the Honourable Sir Edgar Holberton, hailing from Burma as the representative of the Burma Chamber of Commerce. He said

"Most of us are people of a certain age in life, busy men, people whom it does not do any good to be hustled and bustled and crushed in railway carriages."

If this is the lot of first class railway passengers, I wonder what must be the fate of third class passengers, who are huddled together in each compartment in numbers far in excess of the seating accommodation provided therein? The Burma trade magnate's description of the woes of a first class passenger was, to say the least of it, bordering on exaggeration. Among the other dissentients, who were all sons of the soil, one Honourable Member said that the privileges and dignities of the House should be maintained at any cost. A third Honourable Member began to attribute motives to the Legislative Assembly but had to withdraw his remark subsequently. A fourth Honourable Member suggested a compromise by which the Resolution was to have effect until the financial conditions of the Government of India improved. The only solitary voice that was heard in support of that Resolution was that of Su Maneckji Dadabhoi from the Central Provinces. The motion was finally put to the vote and negatived. Thus ended the history of the first onslaught against the allowances of the Honourable Members of this Council. I cannot say if my Resolution will share the same fate. I have ventured to put it before you with the full hope that you will reconsider the old decision. If this Resolution is carried, a saving approximately of Rs. 15,000 per annum might be anticipated. The financial condition of the Government of India is no better now. There is the huge millstone of the provincial contribution still hanging heavily round the necks of Madras, the Punjab and the United Provinces. The transferred half in the several provinces is as starved as ever and no improvements can be effected in the life-giving, life-ennobling and life-sustaining branches of administration such as the departments of Medicine, Education and Industries are. You know this Resolution has been blessed already by the Government of India and sprinkled by the

Legislative Assembly. It now remains for this Council wholeheartedly to adopt it. With these words I commend it for your kind acceptance.

THE HONOURABLE MR V RAMADAS PANTULU (Madras Non-Muhammedan) Sir, I beg to move the following amendment to the Resolution moved by my Honourable friend D^r Rama Rao

'That this Council recommends to the Governor General in Council that the Members of this Council be placed on the same footing as the Members of the Legislative Assembly in the matter of honours, emoluments and allowances.'

On second thoughts I considered that my friend who moved the original Resolution was, perhaps, well advised in framing it in the way he did, because he did not invite his formidable official colleagues into the combat. My amendment, as the House will notice, embraced the officials also because I mentioned the word "honours". At present in addition to the advantages which we non-official Members enjoy in the matter of allowances and emoluments, all of us enjoy the privilege of prefixing the word "Honourable" to our names and therefore my amendment applies to official as well as to non-official Members of this House. Sir, in moving this amendment, I wish to assure this House that I have not the slightest intention of compromising the dignity or wounding the susceptibilities of any section of this House.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN Question?

THE HONOURABLE MR V RAMADAS PANTULU If I had not believed in the dignity and the use of this House, I would not have myself sought election to it. Therefore, I may assure my Honourable friend Sir Umar Hayat Khan that I am at one with him in doing nothing to lower the prestige or the honour of this House. I also beg to assure this House that, so far as the present Resolution is concerned, I am perfectly willing to concede that the gentle dignity of the representatives of the aristocracy, the benevolent autocracy of the representatives of the bureaucracy and the sound idealism of the representatives of the democracy are all harmoniously blended in this Chamber. At the same time, I wish to point out that this House is so constituted by the framers of the reformed constitution as to be a preponderantly elected Chamber, following the models of the later constitutions both in the Dominions and on the Continent. And some of you who were here when His Excellency the Viceroy dissolved the first Council of State might remember that he drew pointed attention to the fact that this House consisted of a majority of elected representatives, and that statement was coupled with the promise that, as time went on and His Excellency found increasing confidence in the House perhaps by way of responsive co-operation His Excellency would try to diminish the official and increase the non-official strength of the Council. Therefore,

Therefore, when I have asked for the Members of this Council being placed on the same footing as the Members of the Legislative Assembly, I have done nothing which violates or offends our notions of dignity. Dignity attaches to the individual Members of this House and not to this Chamber as a whole. Therefore, if we can be elected representatives either of this House or of the other House, I really do not see how we suffer in dignity or prestige by being placed on the same footing as the Members of the other House.

I just looked into the practice that obtains in the Dominions Parliaments and in some of the continental countries within the short time I had at my disposal, and I find that in the matter of emoluments, honours and allowances the Members of the lower and upper Houses in many countries are placed exactly on the same footing. In Australia the Members of the Senate and the Members of the House of Representatives both get a fixed allowance of £400, and also get a free railway pass. Similarly, in South Africa the Members of the Senate and the Members of the Assembly are entitled to the same allowance, they get £400, and are entitled to a free railway pass. In France, as you perhaps know, the Members of the Senate and the Chamber of Deputies get 9,000 francs and there is no distinction in other matters. In Denmark the Members of the Landsting, that is the Upper House, and the Members of the Folkething, that is the Lower House, get the same emoluments. Therefore, in those countries which are self-governing, the Members of the Upper House evidently do not feel that their dignity suffers in any way by their being placed on the same footing as Members of the Lower House. It is true that in Canada there is a distinction, but in the Canadian constitution, the Upper House has come in for a lot of adverse comment.

THE HONOURABLE MR. PHIROZE C. SETHNA. From?

THE HONOURABLE MR. V. RAMADAS PANTULU. From many critics I can quote from Goldwin Smith. He says in "Canada and Canadian affairs" that the Upper House, surrounded by dense state, enjoys an anomalous respect. He says that the ceremonious environment, the social precedence and the attributes of the Senators are trappings of impotence. No doubt he uses very strong language, but there are other critics as well of the Canadian Upper House. Therefore, I do not think that the privileges which the Senators enjoy have enhanced their dignity, but found many detractors. It all depends on the way we conduct the affairs of the State and not on the name we give ourselves. I do not wish to enter into the financial question, because my Honourable friend Dr. Rama Rao has dealt with it. But though the amount spent on the Members of the Council of State as additional allowance may be small comparatively, the question is whether we are not prepared to place ourselves on a footing which is equal to that of the popular representatives of the Assembly, especially as we are drawn from classes not different from those from which the Members of the other House are drawn.

The electoral qualifications may be of a different type but any one of us may be there or any one of them may be here. A member of any Legislature is entitled to be a Member of any other Legislature e.g., a Member of a local Legislative Council can be a Member of the Assembly or of the Council of State. I think from the tax-payer's point of view it is also necessary to ensure that the elected representatives of the Upper Chamber do not draw any more than what

is absolutely necessary. In fact, it is necessary that the whole question of the emoluments should be gone into, and if any Member of this House had proposed a Resolution for the appointment of a Committee to go into the whole question, I would have gladly welcomed such a proposal. I may inform the Honourable Members here that in some Parliaments like the South African Parliament every Member of the Senate who absents himself for a day loses £3. If attendance in this Chamber is sought to be enforced and if it is laid down that we will have to forfeit a portion of our emoluments for every day's absence, it would not be a bad idea. The idea would be to get Members to attend to their duty. The whole question is one of merely providing the necessary means for the Members to attend to their duties in this Chamber. I will therefore very strongly urge on this House the desirability of accepting the Resolution in the form in which it has been amended by me.

One word more and I have done. I gave notice of a similar Resolution in the first Council of State but it was not reached because I could not ballot for it before the business of the House was over. Therefore it is not a new idea that has struck me. As I saw my friend Dr. Ramia Rao bringing a Resolution in a form which substantially agreed with mine, I have merely brought in an amendment. I appeal to you not to attach any very great weight to the word 'Honourable'. Of course we are all honourable men and I know will be honourable men without this prefix, and our honour depends not upon calling ourselves 'Honourable' but on the way in which we safeguard the country's honour. With these words, Sir, I commend my amendment for the acceptance of the House.

THE HONOURABLE MR. S. R. DAS (Law Member). Sir, while the Government are prepared to welcome the original Resolution if the non-official Members think fit to pass it, I am afraid Government must oppose this amendment, only because it also seeks to deal with the question of honours. The conferment of honours is a prerogative of the Crown which in this country is delegated to His Excellency the Viceroy and not to the Governor General in Council. Therefore, the Governor General in Council is not concerned with the question of the honour which the Members of this House bear, and I would like to point out that a Resolution which seeks to recommend this to the Governor General in Council is in a sense not really in order, because the Governor General in Council, as I pointed out, has no power with reference to the question of the conferment of titles. That is one of the reasons why the Government are opposing this amendment.

Besides that I would ask this House to consider whether there should not, in fact, be a distinction between the two Chambers, because, after all, this is a revising Chamber and I think that, although there are one or two exceptions, the Honourable Mover of the amendment will find on further investigation that practically all the revising Chambers in the Dominions with the exception of Australia and one or two other places, do not point

THE HONOURABLE MR K C ROY (Bengal Nominated Non-Official) Sir, if you will permit me, I will move an adjournment of the debate *sine die* I will give my reasons. In the first place I do not consider that an open House is the proper place for a discussion of privileges in all other countries it is discussed by a Committee of the House, and if my friend Dr Rama Rao will, towards the latter part of the Session, move for a Committee, we shall be very glad to support him. I have already consulted my friend Dr Rama Rao on this point and he is not altogether opposed to an adjournment of the debate. I will give you my further reasons. My friend Mr Ramadas has referred to Colonial practice, but I think he is slightly mistaken about Australia. In Australia Members get £1,000, in South Africa it is £400 and in Canada it is 4,000 dollars for both Houses. But, Sir, in India the conditions are quite different. All these Members have no prospect of getting into the Cabinet of the Empire for a good many years to come, and they serve only as non official advisers. Many of them are even out of pocket. I myself, although I have not been able to receive a single penny so far, have been out of pocket for doing what I consider my effective parliamentary duties. I think, Sir, the time has come when the whole question should be considered on a broader outlook than the parochial needs of this House. In my opinion, Sir, I feel that we should consider the present legislators as well as the prospective legislators and give them an economic interest in their parliamentary duties. I have often felt that the duties asked of Members are badly and indifferently done because of the Members having no interest in coming long distances and attending to their parliamentary duties. With these observations, Sir, I propose that the discussion be adjourned *sine die*.

THE HONOURABLE THE PRESIDENT As Honourable Members are aware, it is entirely within the discretion of the Chair whether it will accept an amendment of the nature which has been moved by the Honourable Mr K C Roy and put it to the House. There are obviously occasions when a motion of that kind should not be put to the House. It seems, however, that the Honourable Mover of the amendment has given some cogent reasons why the debate should be adjourned. I say that without desiring to express any opinion on the merits of the case at all. I therefore accept his amendment and I put it to the House. The amendment moved is

"That this discussion be adjourned *sine die*."

Members will, for the present at all events, confine themselves to that amendment.

The original motion was

"That the Resolution standing in the name of the Honourable Dr Rama Rao be adopted."

Since which an amendment has been moved by the Honourable Mr Ramadas Pantulu to substitute other words for the text of the original Resolution, and a further amendment has been moved, that this discussion be adjourned *sine die*.

The question is

"That this discussion be adjourned *sine die*."

The motion was adopted.

15th February, 1926

RESOLUTION *RE* THE ROYAL COMMISSION ON AGRICULTURE

THE HONOURABLE MR K C ROY (Bengal Nominated Non-official)
With your permission Sir, I beg to move

“That this Council recommends to the Governor General in Council to lay on the table of this House the correspondence that has passed between the Government of India, the Secretary of State and the Provincial Governments on the question of the appointment of a Royal Commission on Agriculture”

Sir, I make no apology to this House for bringing this very simple motion before them. This is only a formal motion and asks for the publication of the papers, and I feel already indebted to the Honourable Sir Muhammad Habibullah, whose appointment as the Leader of this House we all welcome, for placing certain papers and correspondence that passed between the Government of India and the Provincial Governments on the table of the Legislative Assembly, and I hope, Sir, he will meet our wishes by placing the papers and correspondence that passed between the Government of India and the Secretary of State on the table of this House. Sir, I have adopted this normal Parliamentary formula to give this House an opportunity of debating this important question, that is the appointment of a Royal Commission on Agriculture, and I hope the House will bear with me for a few minutes on the subject.

From the correspondence which has been placed on the table of the Legislative Assembly, it is evident that the initiative for the Royal Commission did not come from the Provinces. It either came from the Government of India or from the Secretary of State. In my opinion, it was a very unusual procedure to adopt when we consider that Agriculture is a provincial transferred subject. I however find, Sir, that when the official communication from the Government of India was sent out to the provinces, it met with a cold response from some of the major provinces, while others welcomed it. For the benefit of this House, I will read only two letters, one from the Government of Bombay, which has given a very cogent answer to the Government of India. The Bombay Government states

“I am to state that in the opinion of this Government the problems of agriculture are largely local in character and even the results of general research frequently require prior local investigation before they can be applied successfully to any particular area. The Government of India are aware that much useful work has been done in this Presidency as in other Provinces in defining local problems and determining their solution. An extension of these activities has been limited only by the financial stringency from which this Presidency, in common with other Provinces, has suffered. The Government of Bombay recognise that the findings of a Royal Commission on Agriculture would throw much light on numerous important problems connected with that industry. In particular, should the appointment of the Commission result, as is anticipated in para 1 of your letter, in research work on a larger scale than hitherto being undertaken by the Government of India, it would be of very great value. The Government of Bombay, however, believe that much of the work of the Commission would require to be supplemented by local investigation which they, and possibly other Provincial Governments, may be unable to undertake in their present situation.”

I will now come, Sir, to the Government of Bihar, which is presided over by a distinguished Civil Servant. After welcoming in a few sentences the appointment of a Royal Commission, the Government of Bihar says

“The Local Government think, however, that the attention of the Royal Commission should be called, at the outset, to the necessity of considering separately the problems of the various parts of India. Owing to local circumstances, these problems vary in

the different provinces, and it would be desirable that the Commission should report separately on the circumstances of the main divisions of the country in the same way as was done by the Indian Sugar Committee. While it may be possible to recommend the general lines of policy applicable to India as a whole the circumstances and the local conditions are so diverse that if such recommendations are to be of practical use, they must be supplemented by specific advice as to the special measures required in the different parts of India, which have so far developed on different lines."

Against these opinions, Sir, there are the views of the other Provincial Governments. They have stipulated that the importance of the question of land revenue, land assessment and agricultural indebtedness should be clearly kept out of the purview of this Commission. They have also stipulated that they should be given a chance of expressing an opinion on the personnel of the Royal Commission, and they think that there should be no interference with the ministerial responsibility in the provinces. Under these circumstances, the question is, whether my Honourable friend Sir Muhammad Habibullah was right in advising the appointment of a Royal Commission on Agriculture.

This now brings me to a most important question, and that is the rights and privileges of this House. After the two memorable speeches which the Secretary of State and His Excellency the Viceroy made last autumn there was a belief that a Royal Commission would be appointed. The matter was brought to the notice of the Legislative Assembly by Mr. Ranga Iyer, who asked "Do the Secretary of State for India and the Governor General in Council agree that a special Commission should be appointed for this purpose, and Mr. Bhoire on behalf of the Government replied

"A special commission is not in the present circumstances considered necessary."

and only two months after this we have the announcement of the appointment of a Royal Commission. Now, Sir, in appointing this Royal Commission, the Government of India have followed a peculiar procedure. The appointment of a Royal Commission, Sir, I take it, is the prerogative of the Crown, and the Crown appoints a Royal Commission on the advice of the British Government, and possibly of the Government of India, because the Government of India is the agent of the British Government in this country. But a novel procedure has been followed. All the Provincial Governments have been consulted not only on the terms, but also as to the advisability of appointing a Royal Commission. And who were the people left out? The Central Legislature. The Central Legislature, Sir, has got to find the money. It has to pass Bills, if any are required on the findings of the Royal Commission. I think, Sir, in this matter a most unjust treatment has been meted out to this House.

I will now, Sir, refer briefly to the terms of reference. I feel very strongly that the Government of India have tied down the Royal Commission too much. They have given a guarantee to the provinces that the Royal Commission will not in any way trench upon the ministerial field. But this is not the practice in other parts of the British Empire, particularly in the Dominions where agriculture is the primary industry. I will only give you the instance of what is done in Canada. It is provided in section 95 of the British North America Act that

"in each province the Legislature may make laws in relation to agriculture in the Province."

It is also declared that

‘the Parliament of Canada may from time to time make laws in relation to agriculture in all or any of the provinces, and that any law of the Legislature of a province shall have effect in and for the province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.’

In other words the right of concurrent legislation by the Dominion Parliament and Provincial Legislatures is expressly established in the Dominion. What is the cause of our departure? Why should not the Commission have a free hand in the matter? Why do you tie them down?

Now, Sir, I come to another important factor, that is an important omission from the terms of reference. The terms of reference make a great show of rural economy and indicate a great desire to develop rural welfare and prosperity. But how can this be done when you have left out of the terms of reference the land revenue? You have left out the question of assessment. This question has not been examined for a very long time. It was examined by the Hobhouse Committee in 1907, not from the point of view of rural economy or agricultural welfare, but from the point of efficient administration and administrative control. It was also tackled in a very small way by Lord Chelmsford and Mr. Montagu in connection with the Reforms Scheme. Now that we are considering rural economy and rural welfare we have to consider this question. The Government of India are afraid of vested interests, they are afraid of meeting the situation to-day, but, Sir, the proletariat, which is gaining authority, will very soon assert itself and will demand a complete re-examination of rural conditions in India. We are only deferring the evil day and we are doing nothing. In moving my Resolution, I should like to make it absolutely clear that I am not opposed to the Royal Commission. In fact I welcome it but I am sorry that the great object which His Excellency has in view and which he has more than once emphasized in this House will not be fully realised by the Commission which my friend the Honourable Sir Muhammad Habibullah wishes to appoint. With these words I commend my Resolution to the notice of the House.

THE HONOURABLE MR. PHIROZE C. SETHNA (Bombay Non-Muhammadan). Sir, the Honourable Mr. Roy, in moving his Resolution, began in a manner as if to imply that he did not approve of the appointment of the Royal Agricultural Commission. Proceeding further he has given us his reasons for what he finds wanting in the proposed terms of reference and he has told us that he certainly favours the appointment of the Commission. I welcome the Resolution because it will give the Honourable Members of this House an opportunity of knowing how the terms of reference were arrived at, etc. It seems that my friend the Honourable Mr. Roy has had an advantage over us because, if I heard him correctly, he has been supplied by the Department concerned with the correspondence exchanged between the Government of India and the different provinces. We have not seen the same, and I therefore support this Resolution so that the Members of this House may know what correspondence has passed in regard to the appointment of this Commission.

Personally I am very strongly in favour of the appointment of this Commission. I have advocated this frequently. Even in the Council of State nearly three years ago I moved a Resolution asking for the appointment of a Committee for a survey of the economic conditions of the people of India with special reference to the conditions of the agricultural population, and I find, Sir, that His Excellency the Viceroy was pleased to make a

reference to that Resolution in the course of the speech which he made in this House six days ago. In this Council and outside I have always urged that because three men out of four in this country live on the income of the soil, improvement in the conditions of agriculture must be given greater attention to than is at present done both by the Central and the Provincial Governments. I may be permitted, with your permission, to quote a few lines from a speech I made just a year ago at the annual meeting of the Central Bank of India. I observed then

“Agriculture, the premier industry of the country, has a great future before it, but it needs to be fostered, as is being tried in Madras, by institutions such as land mortgage banks. I commend the foresightedness of the Madras Government to the Government of Bombay as well as other Provincial Governments in the nation. As regards industries, the example of Japan and Germany should be pressed into service and industrial banks started under proper control by the State. As long ago as 1919, Government were willing to appoint a committee to inquire into the subject, but nothing has so far been done.”

I said this 12 months ago, and I am glad to find that something definite has been done and that a Commission is to be appointed.

Another reason why I welcome this Resolution is that the announcement of the appointment of this Commission had created a suspicion in the minds of some people and reference has been made in the press to perhaps some ulterior motives which the Government have in view. His Excellency the Viceroy I know has answered that charge, but a perusal of the papers asked for in the Resolution between the Government of India and the Secretary of State will convince the whole country, and that portion of the press particularly which I have referred to, that there is no such ulterior motive behind it, and for that reason I trust the Honourable Member in charge will welcome the Resolution of my friend Mr K. C. Roy.

One other reason for asking for the papers is that if they are submitted to the House, it will enable the Members to know and to see if any recommendations have been made by the Government of India to the Provincial Governments or by the Provincial Governments to the Government of India in regard to the personnel of this Commission. As this House is aware, there was much criticism in regard to the personnel of the Royal Currency Commission. I do not mean to refer to that at any length to-day. I will only say in brief that if we go by cities, it was held, and rightly held, that out of 10 members of the Royal Currency Commission, as many as five had intimate relations with the trade of Calcutta, whilst there was only one representative from the city of Bombay, and I am sure that Government will admit that Bombay is as large and important a commercial city as Calcutta, or even more so. If next, different businesses are taken into account, then again we find that, whilst there are five members of the Currency Commission intimately connected with the Imperial Bank of India, and one member intimately connected with exchange banks, and although the Honourable the Finance Member is very anxious that Indian banking should prosper and be greatly increased, yet not one single member connected with any of the Indian banks has found a place on that Commission. If these papers which the Honourable Mr Roy has asked for are placed on the table, it will enable Members to make suggestions to the Honourable Member in charge for Agriculture in regard to the personnel. We quite realise that this is the prerogative of His Majesty the King, but surely, Sir, His Majesty is not personally acquainted with the men he appoints or knows their qualifications. He has perforce to rely on the recommendations made by the men on the spot.

I would certainly urge that certain claims are not ignored. I hope that the Forest Department will not be ignored. Forestry has much to do with Agriculture, and I for one would certainly suggest that a forest expert be put on this Commission. Further, I do hope that an industrialist connected with the textile industry of this country is also put on this Commission. The House may naturally ask why an industrialist is connected with the textile industry? The reason is this. India is the second-largest producer of cotton in the whole world. A very large proportion of it is consumed by the mills in the country. Therefore, textile industrialists must have a say in this matter because of the kind of cotton that they require for their own wants and because of the cotton that is necessary for export purposes. And in this connection it may interest the House to know, if they are not aware already, that several textile industrialists on the Bombay side are largely interested in the cultivation of large staple cotton in Sind and elsewhere, and that, Sir, to my mind is a very strong reason for not leaving out such an industrialist from the personnel of this Commission.

Again, Sir, as the Commerce Department may well be aware, whilst at the present moment a very large number of bales are exported to Japan it is quite possible that in the near future if the staple of cotton grown in this country is not improved there will be a considerable diminution in the export of Indian cotton to Japan. Japan wants to be independent of India if she can in the matter of its cotton purchases. Japan has large interests in China. They are already growing cotton there to a certain extent but Chinese cotton has a very short staple, and so far they have not been able to grow cotton of the same staple as say, Broach. Therefore, it is to our interest to grow more cotton of the larger staple so that we may not lose the markets to which we export our cotton to-day, and which we are bound to lose if no proper interest is taken in this question. I therefore appeal to the Honourable Member in charge to consider the suggestions I have made, and I do hope the personnel will be such that there will be no room for criticism in the case of this Agricultural Commission as there was in the case of the Royal Currency Commission. With these remarks I strongly support the Resolution of my Honourable friend Mr K C Roy.

THE HONOURABLE SIR MUHAMMAD HABIBULLAH (Member for Education, Health and Lands) Sir, it is indeed a matter of very great pleasure to me that on the very first non-official day of the first Session of this reconstituted House the place of honour has been given to a subject of such vital importance to India. Indeed, it is one more proof, if proof were needed, of the earnestness and the abiding interest which the Members of this House have always evinced in the amelioration of the condition of the agricultural classes of this pre-eminently agricultural country. It must be confessed that agriculture is, and will continue to be, the primary industry of India. We all know that 3 out of 4 people in this country depend on agriculture for their livelihood. It was I think Dean Swift who uttered the truism that anyone who enables two blades of grass or two ears of corn to grow where only one grew before is a real patriot. I therefore, Sir, welcome this opportunity of hearing the views of this House in regard to this important question of agriculture.

I think I may dispose of the Resolution now under discussion in one single word. As the Honourable the Mover of the Resolution has already pointed out, on a demand made by the other House, I have already laid on the table the correspondence which passed between the Government of

India and the Provincial Governments and from which the Honourable the Mover has already quoted. This Resolution now asks me to lay on the table of this House not only the correspondence which passed between the Government of India and the Provincial Governments but also that which passed between the Government of India and the Secretary of State. I may at once say that I accept the Resolution and agree to place on the table that correspondence* as well.

I think I may pass in brief review a few of the observations—I shall certainly not call them criticisms,—which have been made by the Honourable Mr K C Roy. He seems to suspect that two, at any rate, of the Local Governments have been seized with a feeling of lukewarmness in welcoming the constitution of this Commission. He will give me credit if I affirm that I am more accustomed to read official correspondence than he has had the opportunity of doing, and I am in a better position to interpret the language of official documents than he can be. I challenge my Honourable friend to point out a single word in the communications of those two Governments wherein they express anything like dissent from the proposal that was put forward before them. They have, in common with other Provincial Governments, welcomed the Royal Commission, but they add or they make some supplementary suggestions. The Government of Bombay very naturally in its present financial position sees that if any recommendations are made by the Royal Commission which would involve an additional financial burden, it may probably be impossible for it to foot the Bill, and it has therefore, if I read that Government's mind correctly, registered its claim in advance for such financial assistance as it may have to apply for when the recommendations of the Royal Commission are finally known. The Bihar and Orissa Government has very rightly brought to our notice the fact that besides questions of all-India interest, there are questions of peculiar interest and peculiar difficulties which confront every province, and that the Royal Commission had better devote some of its time and attention to examining and exploring those particular difficulties and favour the provinces with suggestions for their solution. We have indeed met that demand by making it quite plain, quite clear, that the Royal Commission will, while making investigations in any province, put itself in direct communication with the Local Government and take such evidence as it can with the help and assistance of the Minister in charge of Agriculture, co-operation and other departments connected therewith. There is therefore no fear to apprehend there is no idea anywhere that the Royal Commission should not try and help each and every province to solve whose difficulties it has been established. I may therefore assure my Honourable friend that he might for the time being dismiss from his mind any suspicion that any Local Government is lukewarm about this Commission. I may give him the assurance that every Government welcomes it.

I think I will take next in order the complaint—if I may use such a strong word—which he made in regard to the change in the attitude of the Government of India, if I have understood him aright, as explained in another place in answer to a question which was definitely asked. I think he drew our attention to a question that was asked by Mr Ranga Iyer and to the answer given by Government that there was no intention at that time of appointing a Royal Commission. Let us be quite sure

*The whole of the correspondence is printed as Appendix A to these proceedings

about the dates The speech of His Excellency the Viceroy to the two Houses of the Legislature was made on the 20th of August, 1925, and in that speech His Excellency had distinctly and clearly given expression to this view

"My Government while giving due attention to industries in the restricted sense of the term are determined, so far as circumstances permit, not to neglect the interests of what is really the greatest of all Indian industries namely, agriculture I know from my discussions with the Secretary of State that my Government can rely upon his most cordial support of this policy The direct responsibility of the Government of India for agricultural development in the provinces ceased with the inception of the Reforms In view, however, of the paramount importance of agriculture as the basic industry of the people of India of the improbability of Provincial Governments being in a position to undertake research on the scale required and of the necessity for co-ordinating activities in the wide field of agricultural development, the Central Government must continue to play a humble part in agricultural progress "

And then he foreshadowed the appointment of a central Agricultural Board to co-ordinate the activities of the various provinces Well, five days after that speech had been delivered, a question was asked whether the Government intended the appointment of a Royal Commission Five days was not long enough to have enabled the Government of India to have come to a conclusion different from that which His Excellency the Viceroy had announced in opening the Session, and the inevitable reply therefore was that the Government of India had no present intention of embarking on the appointment of a Royal Commission, and in the course of his speech on the 20th January, 1926, while opening the Session of the other House His Excellency has given full, exhaustive and cogent reasons as to why he and his Government came to the conclusion that a question of such magnitude, of such importance and of such vital interest cannot be solved merely by the establishment of a Central Board of Agriculture, but that it should be handled in all its bearings by a Royal Commission, and that he and his Government had come to that conclusion with the assent of His Majesty The interval between the two was utilised for the purpose of giving to this important question that consideration which it indeed deserves, and as a result of that consideration it was found, and very rightly found, that the interests were so diverse, the questions were so complicated the issues were so important, that nothing short of a Royal Commission could be expected to handle them effectively and successfully

Well, Sir, I think I have been next asked, why the Legislature was not given an opportunity of expressing its opinion before this Royal Commission was actually announced I think I have already made it sufficiently plain that so far as this House is concerned, we have been, from time to time, supplied by it with its views and opinions as to the course of action which would have pleased it most From the year 1923, definite Resolutions were being moved in this House advising, suggesting, rather pressing, the need for a comprehensive investigation into the agricultural conditions of this wide Empire Indeed one or two Resolutions were framed on lines which, if they were read once more, will give a clear indication that they are the lines on which the terms of reference are based now I shall certainly not deny the same credit to the other House Indications have not been wanting even there of the earnestness, the enthusiasm and the interest displayed by its Members They have constantly asked questions which suggested that the Government of India must take some definite action in this direction They have tabled various Resolutions suggesting the appointment of this committee and

that to investigate into particular problems which are germane to the agricultural prosperity of India. We have had, therefore, a clear indication of the direction in which the wind is blowing. We knew as a perfect certainty that this House as well as the other were eager, were anxious that the Government of India should do something for the purpose of solving this all-important problem which is at the very root of the welfare, happiness and prosperity of no less than three-fourths of the entire population of India. We therefore took time by the forelock and we applied our minds to the consideration of that question, and we in the first instance came to the conclusion that this could be solved by merely setting up a Central body which would co-ordinate the work of the provinces and bring about the desired millennium. We had to revise that view in the light of facts which were placed before us. We came, therefore, to the deliberate conclusion that we must not any more pursue the idea of merely installing a Central Board to tackle a problem of this magnitude, but that we should call to our aid a Royal Commission which will survey the whole field and make recommendations with the object of bringing an advance in this the premier industry of India. I should, therefore, think, Sir, that there has been no disrespect shown either to this House or to the other in the conclusion which we reached. The Honourable Member quoted for our information the practice and rules which obtain in Canada, and inquired why we have allowed agriculture, which is the basic industry of India, to be consigned, so to say, to the limbo of insignificance by its being called a transferred and a provincial subject, and in which the Government of India find themselves helpless to take any direct action. Well, Sir, it may academically be profitable to compare notes with other Dominions and countries in the world, but I must submit at the same time that we have got to remember the fact that our constitution, our procedure and our governmental methods are different to those obtaining in either Canada or other Dominions. The Reforms have brought about a change. The change is there. We have all to accept it, and having accepted it, we have got to work in a way so as to secure the object in view. The object in view undoubtedly was the advancement of the agricultural population. That, we hope, to secure, in spite of the fact that Agriculture is a transferred provincial subject, by the appointment of this Royal Commission. I wish our procedure was different. I wish agriculture had been entirely a central subject, but it is only my pious hope. I cannot change the Constitution. I cannot go back on the Reforms. It is, therefore, quite necessary to bear in mind that, while we attempt to do anything, we should do nothing which would offend against the very framework of the Reforms.

Then the Honourable the Mover raised a complaint that we have excluded from the terms of reference questions regarding land ownership, land tenure, assessments of land revenue and so on. Sir, my own idea of the questions regarding land ownership and land tenure is absolutely different from the idea of the Honourable Member who has moved this Resolution. I think these questions are so complex and so complicated that it will not be possible for a Commission set up for a different purpose to bring under its ambit an investigation, an exploration, into questions bristling with such intricacies. Indeed, these questions differ from province to province, nay more, they differ in parts of the same province. This by itself would justify the appointment of a separate Commission and it is not desirable that these intricate questions should be dealt with

by a Commission of this sort which has been set up with a definite object. Further, land ownership, land tenure and other cognate questions are already dealt with by the local Legislatures. There are laws in the various provinces which regulate the land ownership and land tenure. These laws are amended from time to time as the necessity for them becomes urgent. Some of the Local Governments have at the present moment legislation on hand for these specific purposes, and I should certainly not think that it is within the purview of a Commission like this to make definite recommendations on these questions.

As regards the land revenue assessment and I may add, water rate as well, which in some provinces is regarded as an integral part of the land revenue administration, the recommendations of the Joint Parliamentary Committee to enact legislation regarding them are there. In answer to a question by an Honourable Member opposite this morning, I said that four provinces have already introduced this legislation. One other province has got it ready, and other provinces have already applied their minds, and it is expected that that legislation will also be introduced in the near future. Here again, let me repeat that these are not questions which could have been included within the purview of the Commission which we have appointed. But, I confess, Sir, that there may be particular occasions when possibly this Commission might have to deal with questions regarding land ownership and tenancy, though not directly but incidentally, and I am tempted to read from one of the papers which I placed on the table. The Secretary of State while accepting that recommendation has added these observations:

"I agree that the Commission, if for no other reason than that it is not qualified, cannot be expected to deal with such questions as the relationship between landlords and tenants, land revenue systems, assessments or irrigation charges. Nevertheless it is inevitable that witnesses will refer to them during inquiry, and I do not think that the Commission should be precluded from examining witnesses on them with a view to eliciting whether, and to what extent, present conditions of agriculture, etc., are affected by them, and although the Commission should certainly not investigate these subjects or make specific recommendations in respect of them, I consider it should not be precluded from referring to them as matters directly connected with the main question under inquiry."

Now, in the light of this clear pronouncement of the Secretary of State, I take it that the fears which the Honourable Mover has expressed will disappear, and that he will see that, although these are not the direct subject-matter of investigation, still the Commission will deal with them, if they feel that they are connected with some issues which they are investigating and for the determination of which they consider that evidence is necessary or evidence has already been taken. And I repeat the words of the Secretary of State once more:

"The Commission should not be precluded from referring to other matters directly connected with the main question under inquiry."

I am indeed grateful to my friend the Honourable Mr. Sethna for having drawn my attention to what he considers would be a very satisfactory and reasonable constitution of the Royal Commission. Well I thank him for the suggestions which he has made and while I assure him that I shall certainly consider them very carefully, it must at the same time be recognised that by the very nomenclature the Commission is Royal, and as such the appointment of members to a Royal Commission is entirely the prerogative of the Crown and the matter, as was already stated by His Excellency the Viceroy in his speech the other day, is now engaging the

attention of the Secretary of State. We shall certainly endeavour that the constitution of this Commission is such that it contains members who will bring the requisite knowledge and the requisite experience to bear on the solution of the issues, important as they are, with which they are entrusted, and I do hope that, when the Commission is actually announced, it will meet with universal approval. Having therefore, Sir, accepted the Resolution in its entirety, and having just attempted to make a few remarks on the observations made by my Honourable friend, I do not think there is anything more left for the Honourable Member except to withdraw his Resolution.

THE HONOURABLE MR V RAMADAS PANTULU (Madras Non-Muhammadian). Sir, the House is indeed grateful to the Honourable Mr K C Roy for raising this very important debate on a very formal motion. If the public has any suspicion of the way in which this Royal Commission has been brought into existence, the public is not to blame for it, but the Government of India are entirely to blame for it. After the assurance His Excellency the Viceroy has given, I am not going to say that we are going to read any dark political motive into this Commission, but if the Government had shown the consideration which they ought to show to the Central Legislature by taking it into their confidence before recommending the terms of reference to His Majesty's Government, it would have given greater satisfaction. In fact we only heard of this Commission when His Excellency made this announcement, and I expect we shall hear the final stages of the accomplishment of the scheme only when the Government ask for a grant for the expenditure of this Commission. I think this is hardly the way in which the Central Legislature ought to be treated and the country ought to be treated in a matter of this importance. Therefore, whatever suspicions may be entertained in this matter are entirely due to the very unsatisfactory way in which the Government ushered this Commission into existence.

Then, Sir, there are one or two matters about which one is a little apprehensive. I would only mention them so that the Honourable the Leader of the House may use his influence with the Government with regard to widening the scope of the inquiry. This House is aware that the Joint Parliamentary Committee in their report have drawn attention to the fact that of all taxes land revenue alone is levied without legislative sanction, and that they have made a significant recommendation in the report, namely, that "they proposed that the process of revising the land revenue settlement ought to be brought into close regulation by Statute *as soon as possible*". In Madras we have been struggling to get some legislation passed in this direction for the last six years and we are nearing the completion of the life of the second term of the reformed Councils, and yet we were told, in answer to a question the other day, that the matter is still under the consideration of the Government of India. What the Government of India ought really to have done was first to tackle this question by placing the land revenue assessment and the land revenue policy of Government on a sound basis before they advocated this Commission. After all the Members of this House cannot deny that, whatever measures may be devised for the improvement of agriculture in this country, they cannot succeed unless you improve the condition of the agriculturist, and that it can be improved only by a sound and humane land revenue policy, moderation of assessment, and helping the ryot by making the periodical settlements in such a way as not to make them oppressive. In the province from which I come three very important districts are in the throes of the

periodical settlement, and what the people of these districts want is that this question of land revenue settlement should be placed on a statutory basis before the settlements are undertaken, and that an investigation into the conditions of the people of the province should be undertaken with a view to seeing whether they can pay the additional taxation. But it is proposed to increase immediately the land revenue by 25 per cent. A concession was made in regard to Tanjore, after an agitation, that it would be reduced to 18½, but all that is done before the necessary inquiry is made and the assessment subjected to legislative control as recommended by the Joint Committee. It is thus reversing of the process and not dealing with the recommendations of the Joint Committee before appointing this Royal Commission that has caused suspicion. It looks as though the Government want to derive a larger revenue. I do not say it is not a legitimate object. Being the largest industry in the country, if there is an increase in the agriculturists' income, the Government may be entitled to a share of it. But this inquiry to some people means a method of finding out reasons for enhancing the land revenue and therefore there is a suspicion about it. I cannot conceal that fact. The Government would have been trusted much more by the people if they had first carried out the recommendations of the Joint Committee. Another matter which I wish to allude to is this. There is also some little suspicion that this inquiry might result, after all, in benefiting outside agencies and not the Indian agriculturists. The agriculturists will be benefited to some extent I have no doubt, but on most former occasions these Commissions have resulted in greater benefits to other people than the persons for whom they are intended. If as a result of this inquiry it is found that certain kinds of chemical manures and implements are necessary for this country, it will enable the foreign capitalist to export larger quantities of them to this country. While to day manures which are available here are exported every day to other countries, we may be asked to import manures from other countries if the expert opinion arrived at by this Commission says that this is the best thing for us to do. Why do I say this? I am not merely speculating. The Madras Government in its Agricultural Department asked for the stoppage of the export of bone meal, oilcake and fish manure which are available in abundance in the Madras Presidency. We were told that if the export of these things was prevented it would lower the price and therefore the supply would be curtailed. Well it may be that such economic theory may do in some cases, but I do not think it would do in this case. We all know bone is a bye-product and oilseeds are not grown on any economic theory. The fishermen are not likely to change their occupations, and therefore this economic theory of reducing the supply by preventing export has no application to these manures. Still it is pressed and the Agricultural Department's efforts to get these exports stopped have proved a failure. Unless you therefore tackle these questions in a really sympathetic spirit and come to the rescue of the people with genuine sympathy for their indigenous wants, very little good will result from this Commission.

In my province the population per hundred acres of culturable land is 25,000 persons. Each person has only three-quarters of an acre to labour upon on the average. On that three-quarters of an acre he has to raise all sorts of necessities for the sustenance of himself and his family. An agriculturist in my province, and I am speaking from personal knowledge, is not backward. He knows the art of agriculture, and many authorities I have consulted agree that the agriculturist in

India is not by any means a backward or primitive labourer as is sometimes sought to be made out. He knows his work. Therefore the question of intensive production must be tackled from an intimate knowledge of the conditions obtaining in India. On these questions we shall be thankful to Government if they tackle them from the purely indigenous point of view, and not merely from the point of view of foreign experts. Economic theories of foreign experts are sometimes fallacious, and therefore I would request the Government of India in nominating the personnel of this Commission to have regard to the desire that Indians who are acquainted with the conditions of Indian agriculture should be appointed in a preponderating number. Of course we do want foreign experts to give us technical and scientific advice, but I think after all they are not the only best advisers in a matter like agriculture, where local conditions must be studied. Therefore, while we welcome the advice of foreign experts, the Government of India, we think, would do well to recommend a preponderating Indian element and only such Indians as are directly interested in agriculture and have got a first-hand knowledge of agricultural conditions in this country ought to be recommended to sit on this Commission. If all this is done, I am sure something will come of it. I am also glad to know from the Honourable the Leader of the House that though not directly but indirectly the question of the land revenue system and of tenures will be considered by this Commission, and I hope this inquiry will be undertaken very soon. The land revenue policy of Government was settled 30 years ago and a great deal of change has taken place in the country since then, and that policy requires very urgent consideration, and therefore the materials to be collected for this inquiry should be collected as soon as possible. With these observations and in the hope that the Government of India in recommending the personnel of the Commission, if they have not already done so, will take into consideration my request that it ought to be preponderatingly Indian and that Indians with first-hand knowledge of agricultural conditions in this country should be appointed to sit on this Commission. I beg to support the Resolution.

THE HONOURABLE MR K C ROY (Bengal Nominated Non-Official)
 Sir, before I ask you to close the debate, you will allow me to thank the Honourable Members who have supported me. It must be a source of great gratification to the Leader of the House that politicians of various schools of thought have warmly welcomed the idea of a Royal Commission. The Honourable Mr Sethna has supported it on behalf of the industrialists, and my friend Mr Ramadas Pantulu has supported it on behalf of the Swarajists and he has been followed by the Swarajist whip sitting on the other side of the House. Again my friend Mr Shyam Bihari Misra, who is an official member from the United Provinces, has spoken and rebutted certain charges levelled against the co-operative movement. Sir, while I am grateful to the Leader of the House for accepting my motion and assuring us that he will place on the table copies of the correspondence which has passed between him and the Secretary of State, I feel it is my duty to rebut certain of his contentions. In the first place, he has told the House that he is not prepared to accept my reading of the two letters from the Provincial Governments. I have also read official letters and official documents for a good many years, and I am fairly convinced that the Provincial Governments of Bombay and Bihar have given him lukewarm support and a gentle protest. I leave him to read his own meaning into those letters and I shall retain my own. Then, Sir, as regards the personnel, I entirely

agree with him. It is a matter of Royal prerogative, and I am sorry that he should have gone to provinces for advice and assistance. As regards the Canadian precedent I have nothing to say to his very wise remarks, but I am sorry he did not listen to me properly. All I meant to say was that the Commission should not be tied down and no undertaking should be demanded from the Commission not to interfere in any way with the ministerial responsibility in the provinces. The Commission ought to be given a free scope to consider the agricultural question and the constitutional aspect of it from the purely all-India agricultural point of view, and I do not think there would be any objection if there is a clear case for revising the position of agriculture as a provincial transferred subject. Then, Sir, the third point that he has made is that he had taken the sense of the Legislature. I am quite sure that he has done that and he has met with a warm reception to day. But I am quite sure at the same time that if he had wished he could have taken the verdict of the Legislature. He has not yet appointed the Royal Commission and I do not think the Royal Commission is coming into being till the next cold weather to do its work. He should have tabled a Resolution, in the same manner as Mr. Crerar did in regard to the Privy Council and taken the decision of both Houses. It would have then met with a warm response. The last point that remains is that he has given us a hint that there is nothing to debar this Commission from going into the three questions on which I placed my general protest, that is, land revenue, land assessment and agricultural indebtedness. I dislike the idea of this Royal Commission making a recommendation for another Commission. This has become almost a habit. Only the other day a committee appointed by the Finance Department wanted another committee on economic survey, or something of that kind. I do not think, Sir, this diversity of Commissions will assist us. I think this Royal Commission should be allowed to go into the question of agricultural indebtedness, land revenue and assessment. I think my friend is not doing it because he is afraid of vested interests and is not so very anxious for the well-being of the rural population and of rural development. With these words I thank him again for accepting my Resolution.

THE HONOURABLE THE PRESIDENT The question is

"That the following Resolution be adopted

'This Council recommends to the Governor General in Council to lay on the table of this House the correspondence that has passed between the Government of India, the Secretary of State and the Provincial Governments on the question of the appointment of a Royal Commission on Agriculture.'

The motion was adopted

ROYAL COMMISSION ON AGRICULTURE.

TELEGRAM TO THE SECRETARY OF STATE FOR INDIA, No. 82-C, DATED THE 13TH NOVEMBER 1925.

The Government of India have, as you are aware, for some time past, been anxiously considering what steps should be taken to develop and improve agriculture in this country. The Central Government have long felt that there is room for greater development and co-ordination of efforts generally in India and that it is incumbent upon the Central Government to set on foot investigations in this direction with a view to assisting the Provincial Governments towards this end. The necessity for action has been fully explained and endorsed by observations made in speeches during

the last few months by you and by the Governor General. In latter's speech at the opening of the Simla session of the Indian Legislature in August last, he referred to a scheme for the formation of a Central Board of Agriculture to assist in co-ordinating Provincial activities and in promoting and extending existing systems of research and education. Since then, after careful consideration of the scheme, we have come to the conclusion that it cannot be expected to yield the desired results. Government of India feel that the Board is unlikely to command sufficient authority and weight to effect the required improvements or to be sufficiently detached in outlook to scrutinise the agricultural activities of the Central and Provincial Governments from a fresh angle of view and to make recommendations or suggestions for reform of real permanent value. We strongly feel that the requirements of the situation could only be met by the appointment of a Royal Commission so constituted as to include members from outside India possessing knowledge and experience of agriculture in other countries together with members from India with local knowledge of agriculture and rural economy and in sympathy with the Indian agricultural population. Before consulting Local Governments and making more precise recommendations after ascertaining their views regarding a Royal Commission, we desire to let you know of our conclusions and to acquaint you with the scope of the work which we contemplate should be undertaken by the Royal Commission, if appointed. Our suggestions are embodied in the form of a portion of a suggested draft of instructions or terms of reference which are contained in my telegram next following. The position of agriculture, as a transferred Provincial subject, the necessity of excluding from purview matters of jealous interest to Local Governments, such as revenue and irrigation charges, and the expediency of not arousing any apprehension of disturbance of the relation between landlords and tenants, has made the drafting of the terms a matter of considerable difficulty and delicacy. The terms as now drafted are the result of very careful examination and discussion by the Government of India.

Before consulting Local Governments as to the scheme for recommending the appointment of a Royal Commission, we desire to receive your approval to our communicating the general scheme and the general purport of the draft terms on which we are agreed to Local Governments for their opinion, informing them that you and the Government of India are inclined to favour a Royal Commission and with terms of reference as suggested. Before reaching final conclusions we desire to consult the Local Governments upon these matters. It is recognised that there may be necessity later to make verbal alterations in the draft terms.

TELEGRAM TO THE SECRETARY OF STATE FOR INDIA, No 84-C, DATED THE
13TH NOVEMBER 1925

The following are the draft terms of reference referred to in our immediately preceding telegram —

Generally—

To examine and report on the present conditions of agriculture and rural economy in British India and to make recommendations for the improvement of agriculture and the promotion of the welfare and prosperity of the rural population

In particular, to investigate—

- (a) the measures now being taken for the promotion of agriculture and veterinary research, experiment, demonstration and education, for the introduction of new or better crops and for improvement in agricultural practice, dairy farming and the breeding of stock,
- (b) the existing methods of transport and marketing of agricultural produce and stock,
- (c) the method by which agricultural operations are financed and credit afforded to agriculturists,
- (d) the main factors affecting rural prosperity and the welfare of the agricultural population and to make recommendations

It will not be within the scope of the Commission's duties to examine the existing system of land ownership and tenancy or of the assessment of land revenue and irrigation charges, or the existing division of functions between the Government of India and the Local Governments. But the Commission shall be at liberty to suggest means whereby the activities of the Government of India may best be co-ordinated and to indicate directions in which the Government of India may usefully supplement the activities of Local Governments

TELEGRAM FROM THE SECRETARY OF STATE FOR INDIA, No 346-S, DATED THE 20TH NOVEMBER 1925

No 3073 Royal Commission on Agriculture I warmly welcome your telegram of November 13th. You may certainly say, when addressing Provincial Governments, that I am in cordial agreement with your view that this enquiry should be initiated and that, subject to any criticisms which Local Governments themselves may offer, I am of opinion that the general purport of the terms of reference is suitable. But I offer some observations on these terms.

I should prefer to alter word "examine" in (d) to words "make recommendations regarding". I agree that Commission, if for no other reason than that it is not qualified, cannot be expected to deal with such questions as relationship of landlords and tenants, land revenue systems, assessments or irrigation charges. Nevertheless, it is inevitable that witnesses will refer to them during enquiry, and I do not think that Commission should be precluded from examining witnesses on them with a view to eliciting whether and to what extent present conditions of agriculture, etc., are affected by them, and although Commission should certainly not investigate these subjects or make specific recommendations in respect of them I consider it should not be precluded from referring to them as matters directly connected with the main question under enquiry.

TELEGRAM FROM THE VICEROY TO THE SECRETARY OF STATE, No 213 C, DATED 2ND DECEMBER 1925

Royal Commission on Agriculture The change has now been accepted by the Members of my Council and we are addressing Local Governments

CIRCULAR LETTER TO ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS, DEPARTMENT OF EDUCATION, HEALTH AND LANDS, No 1637, DATED THE 4TH DECEMBER 1925 (CONFIDENTIAL)

I am directed to invite a reference to the remarks of His Excellency the Viceroy, in his opening address to the Indian Legislature on August 20th, 1925, on the subject of Indian Agriculture His Excellency then said "My Government, while giving due attention to industries in the restricted sense of the term, are determined, so far as circumstances permit, not to neglect the interests of what is really the greatest of all Indian industries, namely, agriculture I know from my discussions with the Secretary of State that my Government can rely upon his most cordial support of this policy The direct responsibility of the Government of India for agricultural development in the Provinces ceased with the inception of the Reforms In view, however, of the paramount importance of agriculture as the basic industry of the people of India, of the improbability of Provincial Governments being in a position to undertake research on the scale required and of the necessity for co ordinating activities in the wide field of agricultural development, the Central Government must continue to play an important part in agricultural progress" Striking progress has undoubtedly been made in recent years in many directions in promoting the science of agriculture and introducing improvements, and both the Central Institutions under the Government of India and the Departments of Agriculture in the Provinces under the charge of Ministers of the Local Governments have every reason to be proud of the results of their activities and the sum total of their achievements Nevertheless in view of the great importance of agriculture to India and of the large numbers of the population engaged in the industry and wholly dependent upon it, the Government of India feel that there is room for more extensive co-ordination of effort towards agricultural improvement No possible step should be left untried in making available to those concerned in the industry the latest scientific and practical knowledge Nothing which holds out promise of amelioration in conditions, should remain unexplored It cannot be gainsaid that the average standard of production and the general level of rural welfare in India is lower than that prevailing in other countries where there has been for some time past marked concentration on agricultural problems The agricultural practice in many parts of India also is admittedly still primitive and the bulk of the agricultural population is generally unversed in modern methods of improvement This situation calls for remedy of a comprehensive nature, and the Government of India feel that the time is opportune for examination of means of strengthening activities by co-ordination and of methods for applying the fruits of experience in other countries to the solution of the problems of agricultural conditions in India After correspondence with the Secretary of State and exploration of various methods of fulfilling this purpose, the Government of India are inclined to think that the objects which they have in view can best be attained by the recommendation of the appointment, at the earliest possible date, of a Royal Commission on Agriculture in India The Secretary of State is disposed to agree with the Government of India, and the Government of India wish to consult local Governments as to the proposal and the draft terms of reference

2 I am to explain that in arriving at this conclusion, the Government of India have no intention of interfering with the full control of local Governments over this subject which is in most of its aspects both provincial and transferred Their object is not to curtail but to supplement the work

which is now being carried on in the Provinces. The proposed terms of reference, of which I am to enclose a copy, will make clear to the local Government Administration the precise scope of the enquiry which it is proposed to entrust to the Royal Commission. It is the hope of the Government of India that the terms of reference as drafted will enable the Commission, as a result of its investigations, to make recommendations which will be of value to Ministers responsible for agriculture in the Provinces and to Local Administrations as well as to the Central Agencies working under themselves in connection with agricultural and veterinary research and education. It will be observed that all questions connected with land tenure and the rates of land revenue assessment and irrigation charges are specifically excluded from the field of the Commission's recommendations. Systems of land-ownership and tenancy are extremely technical and vary from Province to Province. The principles on which the system of land revenue assessment and irrigation charges rests, are generally well known and recognised in India. Although these questions have in a sense a definite connection with rural conditions, it appears to the Government of India undesirable and unnecessary to invite a Commission, primarily devoted to examination and report regarding agricultural improvement to burden their enquiry by exploration into these subjects for the purpose of making recommendations concerning them. They will be glad to consider any comments which the local Government Administration desire to offer on the main proposal and the suggested terms of reference. It is specially requested that the replies should reach them not later than the end of the year.

3 I am to add that the Royal Commission will be instructed to place themselves in communication with local Governments on their visit to any province and to carry on their investigations and to take evidence in close consultation with the Ministers responsible for agriculture, co operation, and the other subjects that come under their consideration.

Proposed terms of reference

Generally,

To examine and report on the present conditions of agriculture and rural economy in British India and to make recommendations for the improvement of agriculture and the promotion of the welfare and prosperity of the rural population,

In particular to investigate—

- (a) the measures now being taken for the promotion of agricultural and veterinary research experiment, demonstration and education, for the introduction of new or better crops and for improvement in agricultural practice, dairy farming and the breeding of stock,
- (b) the existing methods of transport and marketing of agricultural produce and stock,
- (c) the methods by which agricultural operations are financed and credit afforded to agriculturists,
- (d) the main factors affecting rural prosperity and the welfare of the agricultural population,

and to make recommendations

It will not be within the scope of the Commission's duties to make recommendations regarding the existing systems of landownership and tenancy or of the assessment of land revenue and irrigation charges, or the existing division of functions between the Government of India and the Local Governments. But the Commission shall be at liberty to suggest means whereby the activities of the Governments in India may best be co-ordinated and to indicate directions in which the Government of India may usefully supplement the activities of Local Governments

LETTER FROM THE SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES,
AGRICULTURE DEPARTMENT, No 786, DATED THE 10TH DECEMBER 1925

I am directed to reply to your confidential letter No 1637, dated December 4, 1925, regarding the proposal to appoint a Royal Commission on Agriculture

2 The Governor, acting with his Ministers, welcomes the appointment of such a Commission, the more so, as it is meant to supplement the work now carried on by provincial departments and is expressly precluded by the proposed terms of reference from interfering with the existing division of functions between the Government of India and the local Governments

3 This Government consider the terms of reference to be suitable and agree that the Commission should confine its inquiries to matters that bear directly on agricultural improvement

LETTER FROM THE CHIEF COMMISSIONER OF COORG, No C-4212-758, DATED
THE 15TH DECEMBER 1925

I have the honour to refer to your confidential letter No 1637, dated the 4th December 1925, and to state that the proposed Royal Commission will be cordially welcomed

LETTER FROM THE SECOND SECRETARY TO THE GOVERNMENT OF ASSAM, No-
AGRI-702-7673-G J, DATED THE 16TH DECEMBER 1925

I am directed to acknowledge the receipt of your letter No 1637, dated the 4th December 1925, and to say, in reply, that His Excellency the Governor and his Minister consider the time ripe for an authoritative examination of the position of agriculture in India and agree that it could best be carried out by a Royal Commission. They have no comments to offer on the terms of reference which seem suitable

LETTER FROM THE SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA,
No 2777-D DATED THE 18TH DECEMBER 1925

With reference to your letter No 1637, dated the 4th December 1925, I am directed to say that the Government of Bihar and Orissa welcome the proposed appointment of a Royal Commission on Agriculture in India and they consider the terms of reference sufficiently wide

2 The local Government think, however, that the attention of the Royal Commission should be called, at the outset, to the necessity of

considering separately the problems of the various parts of India. Owing to local circumstances, these problems vary considerably in the different provinces, and it would seem desirable that the Commission should report separately on the circumstances of the main divisions of the country in the same way as was done by the Indian Sugar Committee. While it may be possible to recommend the general lines of policy applicable to India as a whole, the area is so vast and the local conditions are so diverse that if such recommendations are to be of practical use, they must be supplemented by specific advice as to the special measures required in the different parts of India, which have so far developed on very different lines. The local Government suggest, therefore, that the first paragraph of the proposed terms of reference might be amended by the addition of the words "the several provinces of" before "British India" in line 2

LETTER FROM THE FINANCIAL COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF THE PUNJAB, DEVELOPMENT DEPARTMENT, L, No 4604-D,
DATED THE 21ST DECEMBER 1925

In reply to your confidential letter No 1637, dated 4th December 1925, I am directed to say that His Excellency the Governor in Council welcomes the proposal to appoint a Royal Commission, which will deal with matters of unique importance to this province

2 With regard to the terms of reference, I am to suggest that the enquiry should embrace a reference to the suitability of existing educational methods and curricula as applied to the needs of the rural population, and to the possibility of providing a better ground work for those who desire study in agricultural courses

3 Your letter under reply recognises that agriculture is a Transferred Department in charge of Ministers. His Excellency the Governor in Council has no doubt that the Royal Commission, when pursuing its enquiries, will take cognizance of the position and responsibilities of the Ministers and will associate them fully in their proceedings. It should, in the opinion of His Excellency the Governor in Council, be open to Ministers to suggest lines of detailed enquiry required in the particular interests of their own provinces, and to seek the advice of the Royal Commission on any point of importance to the Departments of which they are in charge

4 I am to add that, in view of the circumstances of the case, it is hoped that the Government of India will consult His Excellency the Governor and his Ministers regarding the personnel of the Royal Commission

TELEGRAM FROM THE GOVERNMENT OF THE CENTRAL PROVINCES, No 2791,
DATED NAGPUR, THE 23RD DECEMBER 1925

Proposed Royal Commission on Agriculture. Absence of Minister, who might have views to submit regarding all-India treatment of transferred subjects, places Central Provinces Government in peculiar position. Subject to this, this Government fully approve appointment of Royal Commission and will gladly co operate in its work. Regarding proposed terms of reference it has no suggestions to make

The foregoing is with reference to Agricultural Department letter dated December 4th

LETTER FROM THE GOVERNMENT OF BURMA, No 345-O —25, DATED THE 21ST
DECEMBER 1925

In reply to your letter No 1637 (Confidential), dated the 4th December 1925, I am directed to say that the Government of Burma (Ministry of Agriculture) cordially approves the coming of a Royal Commission on Agriculture to Burma, and considers that the proposed terms of reference are suitable

LETTER FROM THE GOVERNMENT OF BENGAL, No. 6534, DATED THE 23RD
DECEMBER 1925

I am directed to invite a reference to your letter No 1637, dated the 4th December 1925, and to state that the Government of Bengal agree with the Government of India in the view that the time has now come when an enquiry into the means of strengthening agricultural activities by co ordination and of the methods for applying the fruits of experience in other countries to the solution of the problem of agricultural conditions is likely to be of great assistance to the further development of the agricultural industry in India His Excellency the Governor in Council agrees that the only satisfactory method of conducting such an enquiry would be through the agency of a Royal Commission

The terms of reference suggested for the proposed Commission in your letter under reply appear to the Local Government to be generally suitable and would presumably cover an investigation into measures for the introduction of agricultural machinery and implements, methods of compilation of agricultural statistics and the facilities at present existing for co-operative purchase of agricultural requirements and co-operative sale of agricultural produce In the opinion of this Government these are subjects which should also come within the purview of the Royal Commission's investigations

LETTER FROM THE GOVERNMENT OF MADRAS, No 1834, DATED THE 21ST
DECEMBER 1925

In reply to your letter No 1637-Agr, dated 4th December 1925, I am directed to report that His Excellency the Governor acting with his Ministers welcomes with pleasure the proposal to appoint a Royal Commission at the earliest possible date to examine and report on the present conditions of agriculture and rural economy in British India This Government has no doubt that the appointment of such a Commission would afford valuable assistance in solving the many problems now awaiting solution in connection with the agriculture of the country and in focussing public attention on the subject of agricultural improvement and the part it plays in rural prosperity The proposed terms of reference do not call for any special remarks except that His Excellency acting with his Ministers considers it desirable to include specifically in their scope the application of co-operative principles to agriculture in all its aspects, such as production, credit, marketing, etc The importance of this subject has been recognised in several Western countries and in Japan

LETTER FROM THE CHIEF COMMISSIONER, AJMER-MERWARA, No. 782-P,
DATED THE 23RD DECEMBER 1925

I have the honour to acknowledge the receipt of your letter No 1637, dated the 4th December 1925, and to state that I have no comments to make as I consider the terms of reference sufficiently comprehensive

LETTER FROM THE CHIEF COMMISSIONER, NORTH WEST FRONTIER PROVINCE,
No 1072 R/L, DATED THE 23RD DECEMBER 1925

In reply to your confidential letter No 1637, dated the 4th December 1925, I have the honour to state that the opinions of my District Officers and of those other officers whom time has allowed of my consulting are unanimously in favour of the proposal to appoint a Royal Commission on Agriculture in India. With that consensus of opinion I am in entire agreement.

The proposed terms of reference seem to me to be suitable and sufficiently comprehensive. There is, however, one suggestion which I venture to make with regard to point (d) of the proposed particular terms of reference and that is that the terms may include a specific direction to investigate the means by which it may be hoped that the cultivator can be made a match for the professional money-lender. As Mr Darling remarks in his "The Punjab Peasant in Prosperity and Debt," page 280 —

"The cultivator sows that another may reap, and toils that his creditor may gain. Of what use to him, then, are all the devices for improving the quantity or the quality of his harvest"

* * * * *

"and to the Indian cultivator no freedom is possible till the power of the money-lender is broken"

LETTER FROM THE SECRETARY TO THE GOVERNMENT OF BOMBAY, REVENUE
DEPARTMENT, No 5426-A /24-CONF DL, DATED THE 30TH DECEMBER
1925

Proposed appointment of a Royal Commission on Agriculture in India

I am directed by the Government of Bombay (Transferred Departments) to acknowledge the receipt of your letter No 1637, dated 4th December 1925, inviting the views of this Government on the proposed appointment of a Royal Commission on Agriculture in India and the suggested terms of reference thereto.

2 In reply, I am to state that in the opinion of this Government the problems of agriculture are largely local in character and even the results of general research frequently require prior local investigation before they can be applied successfully to any particular area. The Government of India are aware, that much useful work has been done in this Presidency as in other Provinces in defining local problems and determining their solution. An extension of these activities has been limited only by the financial stringency from which this Presidency, in common with other Provinces, has suffered. The Government of Bombay recognise that the

findings of a Royal Commission on Agriculture would throw much light on numerous important problems connected with that industry. In particular, should the appointment of the Commission result, as is anticipated in paragraph 1 of your letter, in research work on a larger scale than hitherto being undertaken by the Government of India, it would be of very great value. The Government of Bombay however believe that much of the work of the Commission would require to be supplemented by local investigation which they, and possibly other Provincial Governments may be unable to undertake in their present situation. I am therefore to state that while they would welcome in several respects the appointment of the proposed Commission, they feel bound to point out that the full measure of its benefits might be lost to the Provinces by their inability to apply or follow up the results of the inquiries.

3 With regard to the proposed terms of reference, the Government of Bombay are in full agreement with the view that all questions connected with land tenure and rates of land revenue assessment and irrigation charges should be specifically excluded from the scope of the Commission's recommendations. They further welcome the assurance contained in paragraph 2 of your letter that the Government of India have no intention of interfering with the full control of local Governments over agriculture. Subject to these two conditions they approve of the terms of reference generally. I am however to point out that clause (d) of the proposed terms as at present worded would cover a very wide range extending beyond the restrictions proposed above. The Government of Bombay would therefore prefer if it could be somewhat narrowed down so as to accord more strictly to the proposed scope of the Commission's recommendations.

LETTER FROM THE AGENT TO THE GOVERNOR GENERAL IN BALUCHISTAN, No
13-S R, DATED THE 4TH JANUARY 1926

Proposed appointment of a Royal Commission on Agriculture in India

With reference to your Confidential letter No 1637, dated the 4th December 1925, on the subject indicated above, I have the honour to say that the proposed terms of reference to the Royal Commission appear to me to be suitable.

2 Agriculture in Baluchistan, as the Government of India is aware, is handicapped for the most part, by a paucity of water due to an ever increasing deficiency in the annual rainfall as a result of which springs and other sources of supply are either drying up or becoming much depleted. To increase this supply is the greatest problem so far as the Agriculturist is concerned, which faces this Administration and any measures not prohibitively expensive, which the Commission could suggest in this direction would be of inestimable value to all concerned.

TELEGRAM FROM THE VICEROY (EDUCATION DEPARTMENT), TO THE SECRETARY
OF STATE FOR INDIA, LONDON, No 71-S DATED 12TH JANUARY 1926

Priority—

Royal Commission on Agriculture. On December 4th, we sent Local Governments and Administrations a confidential circular inviting reference to His Excellency's remarks in his opening address to Indian Legislature on

August 20th, 1925, on subject of Indian Agriculture The circular also mentioned the striking progress made in recent years in many directions in promoting science of agriculture and introducing improvements, and it was added that, in view of great importance of agriculture to India and of large numbers of population engaged in the industry and wholly depended upon it, we felt that there was room for more extensive co-ordination of effort towards agricultural improvement, that no possible step should be left untried in making the latest scientific and practical knowledge available to those concerned in the industry, that nothing should remain unexplored which held out promise of amelioration in conditions, that average standard of production and general level of rural welfare in India was lower than in other countries, where there has been for some time past marked concentration on agricultural problems, that agricultural practice in many parts of India also was admittedly still primitive and bulk of agricultural population was generally unversed in modern methods of improvements, that this situation called for remedy of a comprehensive nature, and that we felt that time was opportune for examination of means of strengthening activities by co-ordination, and of methods for applying fruits of experience in other countries to solution of problems of agricultural conditions in India The circular went on to say that after correspondence with you, we were inclined to think that objects which we had in view could best be attained by recommendation of appointment of Royal Commission on Agriculture at earliest possible date, that you were disposed to agree with us and that we wished to consult local Governments as to this proposal and as to draft terms of reference, copy of which as amended in accordance with your telegram of November 20th was forwarded to them

2 It was explained to local Governments that we had no intention, in arriving at this conclusion, of interfering with their full control over this subject, which is in most of its aspects both provincial and transferred, that our object was not to curtail but to supplement work now being carried on in Provinces, that we hoped that terms of reference as drafted would enable Commission, as result of its investigations, to make recommendations which would be of value to Ministers responsible for Agriculture in Provinces and to local Administrations as well as Central Agencies working under us in connection with agricultural and veterinary research and education It was explained that all questions connected with land tenure and rates of land revenue assessment and irrigation charges were specifically excluded from field of Commission's recommendation, and that although these questions had in a sense definite connection with rural conditions it appeared to us undesirable and unnecessary to invite Commission to burden their enquiry by exploration into these subjects for purpose of making recommendations concerning them It was added that Commission would be instructed to place themselves in communication with local Governments on their visit to any province, and to carry on their investigations and to take evidence in close consultation with Ministers responsible for agriculture, co operation and other subjects that came under their consideration

3 All local Governments and Administrations except Delhi have replied All are in favour of appointment of Commission United Provinces, Burma, Central Provinces, Assam, Coorg Ajmer-Merwara and Baluchistan consider proposed terms of reference suitable

It is considered by Bihar and Orissa that attention of Commission should at outset be called to necessity of considering separately problem of various

parts of India. Owing to local circumstances, these problems vary considerably in different provinces, and local Government consider it desirable that Commission should report separately on circumstances of main divisions of country in same way as was done by Indian Sugar Committee. Local Government also suggest that in order that Commission's recommendations should be of practical use they should be supplemented by specific advice as to special measures required in different parts of India, which have so far developed on very different lines. With this object, local Government suggest addition of words "the several provinces of" before "British India" in first paragraph of draft terms of reference.

It is suggested by *Punjab* that enquiry should embrace reference to suitability of existing educational methods and curricula as applied to needs of rural population, and to possibility of providing better ground work for those who desire to study in agricultural courses. Local Government considers that it should be open to Ministers to suggest lines of detailed enquiry required in particular interests of their own provinces, and to seek Royal Commission's advice on any point of importance to Departments of which they are in charge. Local Government also hopes that Governor and his Ministers will be consulted regarding personnel of Commission.

Bengal assumes that proposed terms of reference would cover investigation into measures for introduction of agricultural machinery and implements, methods of compilation of agricultural statistics and facilities at present existing for co-operative purchase of agricultural requirements and co-operative sale of agricultural produce. In the opinion of local Government these are subjects which should also come within purview of Commission's investigations.

Madras suggests including specifically the application of co-operative principles to agriculture in all its aspects, such as production, credit, marketing, etc.

North-West Frontier Province is of opinion that clause (d) of proposed terms of reference should include specific direction to investigate means by which it may be hoped that cultivator can be made a match for professional money-lender.

Bombay while recognising value of proposed Commission believes that much of Commission's work would require to be supplemented by local investigation which in their present financial position they and possibly other Provincial Governments may be unable to undertake. While, therefore, welcoming in several respects the appointment of a Commission, local Government point out that full measure of its benefits might be lost to Provinces by their inability to apply or follow up the results of the inquiries. *Bombay* adds that clause (d) covers a very wide range as at present worded and should be somewhat narrowed down so as to accord more strictly with proposed scope of Commission's recommendations.

4 After having considered suggestions made by local Governments and Administrations, we are of opinion that only new point, which may now be included in proposed terms of reference, is in relation to agricultural statistics. With this object we propose to insert in (a) of terms words "for the compilation of agricultural statistics" after words "demonstration and education". Questions relating to application of co-operative principles to agriculture are already covered by terms of reference and especially by (b) and (c). As stated in paragraph 2 above, Commission will consult with

Ministers responsible for co-operation, and this is an additional reason for non-inclusion of such questions in terms of reference. Suggestion of Punjab Government about education appears to fling net too wide. Royal Commission could not go into general scheme of primary and secondary education of rural population. Special agricultural education is sufficiently covered by (a) and under (d) it might be possible for Commission to recommend that ordinary primary and secondary education for agricultural population should be of a kind helpful to agricultural vocation and not of character to alienate their sympathy from this industry. For this reason, we have not specifically included in proposed terms of reference any question of survey of general scheme of ordinary education. With reference to word "research" in (a) in terms of reference, it may be mentioned that in Punjab apart from agricultural research, there is technical officer who studies problems of application of water for irrigation of different soils and crops and that this has direct bearing on agricultural productivity.

5 We consider that it is desirable to announce the decision to appoint a Royal Commission and to publish terms of reference at an early date, and we hope that you will find it possible to telegraph your orders. Above is with reference to your telegram No 346-S, dated 20th November 1925

TELEGRAM FROM THE SECRETARY OF STATE FOR INDIA, LONDON, TO THE Viceroy (EDUCATION DEPARTMENT), DELHI, No 147, DATED 15TH JANUARY 1926

Terms of reference of Royal Commission on Agriculture. I agree that a reference to agricultural statistics is only alteration necessary.

His Majesty the King has approved appointment of Commission and you are authorised to make an announcement to this effect.

This is with reference to your telegram No 71-S of the 12th instant

Saturday, 20th February, 1926

'GENERAL DISCUSSION OF THE RAILWAY BUDGET

THE HONOURABLE THE PRESIDENT The Council will now proceed to the first stage, that is the general discussion of the Budget, Part I

THE HONOURABLE MR J W A BELL (Bengal Chamber of Commerce) Sir, in submitting the Railway Budget to this House on Thursday my friend, the Honourable Sir Clement Hindley, asked for the same consideration in criticism as had been shown by the previous Council of State. I have no doubt that, when he made that request, my Honourable friend was fairly certain, both in view of the satisfactory nature of the statement which he was about to put before the House, and in view of his knowledge of the Members of this Council, that it was unlikely that there would be any criticism, unless criticism of a friendly nature. But my Honourable friend is a cautious man and he was taking no risks. He therefore arranged matters so that it was very unlikely that there would be any serious criticism at all. He handed us the Budget documents, 19 in number, on Thursday, and it was announced that the general discussion would take place to-day. On Thursday afternoon this House sat until six o'clock,

although I must admit that that was a contingency which my Honourable friend may not have anticipated. But at my rate we had to sit till six o'clock, and that means that there was only left one day in which to study these nineteen volumes containing as they do masses of statistics and figures. I do not think it is possible for any one in the course of that part of one day which it is possible to devote to their study, to grasp the meaning of all these figures and all these statistics. I hope that in future Government may find it possible to allow a longer period to elapse between the time in which the Railway Budget is presented and the date on which it is discussed.

But even a cursory examination of the Budget makes it clear that the country has reason to be well satisfied with the position of the Railways and with the manner in which they are administered.

I need hardly refer to the question of the separation of the Railway finances from the general finances of the country. The advantages are so obvious that they practically require no explanation. And now that these advantages have been recognised, even by those who were very strongly opposed to any change, the general feeling seems to be one of surprise that the method now in force was not adopted at an earlier date.

It is not possible in the time at my disposal to deal with all the points raised in my Honourable friend's speech, and I shall therefore confine myself to one or two.

I note with satisfaction, not only the substantial balance or earnings over disbursements, but also that particular attention has been paid to the building up of Reserves and a Depreciation Fund. This is really one of the secrets of successful commercial management. There are many commercial concerns, both in India and at Home, which in this period of trade depression, would have ceased to exist, had it not been that, when times were better and profits were being earned, they rigorously wrote down their assets and built up substantial reserve funds.

The country will hear with pleasure of the proposed reductions in passenger fares and goods rates. These reductions will be for the benefit of the country and for the benefit of the people, and I hope that it will be possible for the Railway Board to maintain them. At the same time I trust that the Railway Board will not allow themselves, by any pressure from any source, to be diverted from their policy of building up substantial Reserve and Depreciation Funds to carry them over when times are less favourable. Reductions in fares and rates are very important, but they are not so important as the building up of the Railways of the country on a sound and unassailable financial basis.

I was glad to hear from my Honourable friend's speech that the Railway Board were keeping before them the recommendations of the Coal Committee with regard to a further rebate on export coal, and, subject to what I have said with regard to Depreciation and Reserves, I trust that it will be possible for the Railway Board to grant this assistance to the coal industry of India which is at the present time passing through a period of acute depression. It will be money well spent because a flourishing coal industry will be a source of great profit to the Railways.

With regard to capital expenditure, it is gratifying to notice the provision made for the remodelling of marshalling yards and the improvement of workshops. It is difficult to overestimate the importance of these two items in the building up of an efficient railway service. The provision for

strengthening bridges is of greater moment than is apparent at first sight. Speed is an essential element, and one of the handicaps in this direction with which the Railways have to contend is the loss of time in crossing bridges not constructed strongly enough to carry modern trains and modern locomotives. But I welcome this announcement also, because it gives me an opportunity of addressing my Honourable friend on another subject. If he will allow me when next he is in Calcutta, I will show him a bridge,—I will not tell him the name of the bridge at the moment,—which requires not only strengthening but rebuilding. It forms one of the most serious traffic problems of Calcutta, and the assistance of Government in the matter is urgently required. Attempts have previously been made to enlist the sympathy of my Honourable friend in this subject but I am sorry to say that these attempts have not been successful. But I propose to adopt the tactics of my Honourable friend Mr. Sethna and the Honourable Mr. Ramadas Pantulu and keep hammering away my Honourable friend on this subject, in the hope that some day he will yield to my importunity.

Another problem of great importance to the city to which I belong is the Calcutta electrification scheme. I trust that the report of the engineers to which my Honourable friend has referred, will be expedited. Is the question of providing suburban accommodation for the city workers of Calcutta becoming a very urgent and acute one, and nothing much can be really done until some definite scheme is adopted for transportation between the city and its suburbs?

I would repeat that the country has reason to be well satisfied with the position of the Railways, and what is disclosed in the budget statement confirms the feeling which the community I represent have always had that, in the hands of the Commerce Department and of the Railway Board, the Railways of India are carefully and wisely administered in the best interests of the country. There is, of course, in the case of State-managed Railways always the danger of interference by the Legislature with the management. There is always the danger that in the making of appointments, in entering into contract, and in other matters, efficiency will be subordinated to political considerations. I trust that this country and in particular, this Council, will not countenance any such interference for it would mean the beginning of the end of the prosperity of the Railways.

THE HONOURABLE MR. MANMOHANDAS RAMJI VORA (Bombay Non-Muhammadan). Sir, I join my Honourable friend the previous speaker in complaining that the time given to Members to study this Budget was too short, and I hope Government will see their way to give sufficient time to Members to consider this important Budget.

With regard to the prosperous Budget that is presented to us, we find that after providing for interest on capital and other expenditure, there remains a large surplus to be divided between central revenues and building up Reserves for the Railways. I welcome the apportionment of such huge sums from the profits. But one has got to remember that when the State undertakes to work any institution on commercial lines, the question of making more profits should be only a secondary consideration. I do not say that it should be worked at a loss, but the aim should be to have reasonable balances to cope with future requirements and contingencies and cover the cost of the concern, and then, whatever surplus may

be left over should go towards the reduction of rates and fares. That should be the main object to be kept in view, and I hope due attention will in future be paid to that point.

Further, Sir, I see that there is great diversity between the recommendation of the Acworth Committee with regard to the appointment of a Rates Tribunal and the recent appointment of an Advisory Committee. Instead of the object recommended by the Acworth Committee being carried into effect, we see that an announcement has been made that there is going to be an Advisory Committee. I want to draw the attention of Honourable Members to the fact that there is a great deal of difference between an Advisory Committee and a tribunal. A tribunal possesses certain powers, whereas an Advisory Committee can only advise, and the advice may be accepted or not. The authorities may take the advice into consideration or may reject it, whereas the action of a tribunal will have a certain effect. That is the difference between the two. I hope, if it is not too late even now, that this question will be considered.

Sir, during the limited time at my disposal, I am at a loss to understand why the working cost of the Great Indian Peninsula Railway which is now managed by Government, amounts to 69 per cent, whereas in Company-run lines it is less, e.g., in the Madras and Southern Mahratta Railway it is 60.4 per cent and in the case of the Bombay, Baroda and Central India Railway I think it is somewhere about 62 per cent. When the State works the Railways or any other commercial institution, there is always the danger of the expense rising, and I hope that in future due attention will be paid to keep down the expenses and prove that the Government also can successfully run its undertakings on the same lines as the companies.

With these remarks I think that, on the whole, the separation of the Railway Budget from the General Budget has done very well.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab Non-Muhammadan). Sir, I congratulate the Honourable Sir Charles Innes, Sir Clement Hindley and the other officers concerned on the sound financial position the Railway Administration has attained in recent years. After meeting the working expenses and the interest charges, the Railway Administration hopes to contribute to the general revenue of India a sum of 18.11 crores in the 3 years 1924-25 to 1926-27. In addition to this, we are told that the Railway Administration will build up a reserve of 12.53 crores during these 3 years. We now find that the Railway Administration includes in its working expenses something towards depreciation. It has now built up a Depreciation Fund out of which it can in future meet its expenditure on replacements and renewals. Even in this Depreciation Fund we are told there is now a surplus balance of 6.71 crores. All this shows that the financial position of our Indian Railways is now sufficiently strong.

The separation of the Railway Budget from the general revenue has guaranteed to the Indian Exchequer a certainty in revenues. The Secretary of State for India could therefore afford to give larger financial powers to the Railway Administration. It can now sanction works within much larger limits. I congratulate it on the grant of this larger autonomy. I welcome the attachment of a Forest Officer to the Railway Board for the purpose of advising it in the purchase of timber. The Railways ought to place their orders for stores with Indian firms to the full capacity of their output. But I would suggest in placing orders with firms in foreign

countries, that tenders should be called for in rupees. If the tenders are called for in rupees, we can avoid a good deal of unnecessary expenditure due to uncertainty in exchange. It would be better if the Government prepare annually a statement showing the value of stores purchased in India and stores purchased in foreign countries. Such a statement should be presented to both Houses of the Indian Legislature along with the budget papers.

I congratulate the Government on the improvements and betterments on the Railways. I would like the Government to provide quarters for their subordinate traffic staff in big towns as such staff cannot afford to pay the high rents that now prevail. Bungalows for officers and quarters for senior subordinate staff have been provided but nothing much has so far been done for the junior subordinate staff in big towns.

I am sorry that the announcement of the Rates Tribunal has not been received well, as the Tribunal is only to advise in the matters that may be referred to it. I fully agree with what the Honourable Mr. Manmohandas Ranji has said in this connection. I hope the personnel of the Tribunal will be such as to have a majority of Indians on it and of such competent persons as are in close touch with the commerce and industry of our country.

I welcome the reductions announced in third class and higher class fares, but the public expects a further reduction in third class fares. Before the War there used to be special reduced rates of freight between certain stations where other means of transport stood in competition. Such rates were withdrawn after the War with the result that the Railway is losing the traffic in such cases. They lose revenue and the province is burdened on account of the extra traffic that is thrown on the metalled roads, which makes them to wear out abnormally.

It is a matter of pleasure to find a good start having been made in the construction of new railway lines. New railways help a great deal in the development of the country and the construction of say 1,000 miles a year as announced by the Chief Commissioner will be very much appreciated by the people being a boon to the country. His Excellency Sir Malcolm Hailey, who is very much interested in the development of the Punjab, is to be congratulated on getting a good many lines in his province sanctioned for this year.

It is gratifying to see that Government have been pleased to take favourable action on my Resolution adopted in this House last year on the reduction of coal freight and have made a reduction of 10 per cent on the carriage of coal for long distances of 400 miles and over. I thank the Government for this but the Government should bring the rates of coal freight down to the pre-war level. When they can afford to sacrifice, about 40 lakhs of rupees in rebate in freight on coal for export can they not sacrifice another Rs. 15 lakhs to bring the coal freights down by another 15 per cent? More rebate is not justified on export coal yet. Reduction of railway freights on liquid fuel, petrol, mill and agricultural machinery and manure is very desirable.

I find, Sir, that Indians are very meagrely represented in the Traffic and Mechanical Departments of State Railways. In 1921 on the North Western Railway there were 22 Indians out of 220 in the Senior Subordinate Service of the Traffic Department. In 1925 there were 27 out of 237. There has been an advance of only from 10 per cent to 11.4 per cent in

four years For the same period on the East Indian Railway the proportion of Indians has progressed from 17 per cent to 35.6 per cent In the Eastern Bengal Railway it has increased from 9.2 per cent to 17.5 per cent It does appear that on the North Western Railway the proportion of Indians in the senior subordinate service is the smallest I hope that the North Western Railway administration will pay greater attention to the Indianisation of the senior Subordinate Services in the Traffic Branch When we take the senior Subordinate Service in the Mechanical Branch we find that on the North Western Railway there are 10 Indians out of 312, hardly 3 per cent on the Eastern Bengal Railway there were 9 Indians out of 142, that is a little more than 6 per cent It thus appears that in the Mechanical Branch Indians are practically nowhere I think Government ought to pay greater attention to the Indianisation of the Railway Services, especially in the Mechanical and Traffic Branches

There is one other complaint from which the middle class Indian passengers suffer There are very few important stations on which there are no waiting rooms for intermediate class passengers I would draw the attention of the Government to this grievance On big stations I would suggest that there ought to be separate windows in the booking offices for female passengers This class of passengers at present experience great inconvenience in purchasing tickets So, there is one other point in this connection to which I wish to draw the attention of the Railway Administration On the roadside stations the supply of water is very inadequate Besides the pointsmen and the sweeper there is only one waterman and the duties assigned to that waterman are taking line clears to the engine driver, taking out parcels from the parcel wagons, lowering the signals for the departure and arrival of trains and a good many other duties, and the result is that on these small road-side stations the water supply is not what it ought to be I hope that the Railway Administrations will see their way to increase the water supply in those stations by some means or other

Another important point which I bring to the notice of Government is the increase in thefts on the railway platforms on small roadside stations Being a business man I travel widely and hear numerous complaints from passengers who have lost their belongings on the platforms owing to insufficient lighting At night time one single lamp with a very low candle power is burning on such stations a few minutes before the arrival of the train At some stations people from agricultural areas come there early to catch their night trains with the result that they have to wait for hours on the platforms and there being no light their bag and baggage are sometimes stolen And these cases are now becoming frequent and so they necessitate my drawing the attention of the railway authorities to this important matter

It was a great pleasure to find that for the training of Indians for the senior Subordinate Service in the Traffic Branch a school was opened at Chandausi in addition to another school which existed in Bengal If I rightly understand, 10 station masters are selected every year from the North Western Railway and sent to this school for training So far as my information goes, 80 station masters went there and passed the examinations and some of them attained very high percentages in pass marks which were in some cases over 90 per cent It is a pity to find that out of these successfully trained station masters who passed very high in the Chandausi School none of them has so far got any promotion Some time ago in this House a Resolution on the increase in the number of Traffic

Inspectors in the Transportation Branch of the Traffic Department was adopted with a little amendment by the Government itself. So far as my information goes (because my question on the subject could not unfortunately elicit the information sought for) on the North Western Railway the number of Traffic Inspectors on the transportation side instead of having increased has since gone down, and in case I am wrong I hope my Honourable friend, Sir Clement Hindley will correct me. So far as I understand, there is only one permanent Traffic Inspector in the Transportation Branch on the North Western Railway, and that man has been occupying that post for the last 10 or 15 years. During the last few years a few station masters and clerks from offices were promoted to the rank of Traffic Inspector, Transportation. Out of the four that were appointed two have retired, one has died and the fourth was reverted. That man has now been appointed to officiate. Is it not a pity to find that, while the instructions of the Railway Board on this matter have been carried out by all other State Railways, I mean the Eastern Bengal Railway, the Oudh and Rohilkhand Railway, now the East Indian Railway, these instructions have not been carried out by the North Western Railway in this respect?

Another point to which I wish to draw the attention of the Government is the question of raised platforms. Now, as the revenues from Railways have increased we ought to have raised platforms, whether pucca or simply of earthwork, on railway stations. At present there are a large number of stations on which there is no platform and the womenfolk in particular find great difficulty in alighting from or entering into the railway carriages. In the case of women who were in the family way, there have been serious accidents due to the absence of these raised platforms. I wish to draw the serious attention of the railway authorities to this matter again.

I welcome the fact that on fast passenger trains the Railways have provided search-lights, but I hear that Engine Drivers feel some trouble with distant signals and home signals. When two trains are running on double lines, sometimes the drivers cannot very well see the distant and home signals with the result that they get confused. I hope that the Railway Administrations will soon do something in the matter in case this complaint is well-founded.

In the programme for the construction of new rolling stock I find that no provision has been made for any addition to the refreshment cars for Indian passengers. At present, Sir, on the North Western Railway there are only two Indian refreshment cars which run on that railway between Lahore and Delhi and in case one of these cars gets damaged the people have to be without it for some time. There was a case last year when one of the cars got damaged and it could not be replaced for some time and in the time tables and other circulars issued by the Railway there was no intimation given to the passengers so that they might learn that on certain days or during certain months there would be no refreshment cars running on the usual trains. I hope that Government will see their way to provide more Indian restaurant cars and also provide more Indian refreshment rooms.

Another point that I wish to bring to the notice of this House is the question of unemployment. Unemployment is certainly one of the chief causes of the unrest in the country. My proposal in this connection is that in the Mechanical Branch of the Railways, in case we can find say at least 50 posts for literate apprentices in the mechanical department—

the driving line—the people will feel very grateful. Now, a lot of Anglo-Indians are recruited in the 50 rupee grade every year as literate firemen. In case that is also liberally extended to Indians on a larger scale, the Railways will be able to get a better class of recruits who will subsequently prove much better Indian drivers than we have at present. In the workshops before the establishment of mechanical engineering colleges in various provinces the Railways used to recruit literate apprentices on certain terms. When these mechanical colleges were founded the recruitment of these literate apprentices was transferred to them. I understand that it is through them that Railways get their apprentices. There are rumours that those literate apprentices who were recruited some four years ago and who are likely to finish their courses for the fifth year term and who are likely to qualify soon will not be provided with any permanent posts. This is a matter for us to deplore. If I am wrong in this respect I hope that Sir Clement Hindley will put me right. We are thankful to Government for giving these boys the right training, but these boys have been given one certain line of training which does suit a big concern like the Railways but does not suit an ordinary factory owner. The ordinary factory owner requires an all-round mechanic. The training which has been given to these young boys is only on one machine. The person who has joined as a turner to-day will retire as a turner 30 years hence. But if these fellows who have been given training only in one line, are thrown out at the end of five years I think their future will be spoilt. Therefore I request that all these apprentices who qualify themselves and who have been given proper training according to the railway requirements ought to be given permanent places at the end of their apprenticeship.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I will soon bring my remarks to a close. One more point that I want to bring to the notice of this House is the question of the provision of automatic couplers on the broad gauge railways. This scheme, I imagine, is to cost about 20 crores of rupees, and I wish, Sir, that before this scheme is practically adopted it ought to be scrutinised by the greatest experts of the world. We have the sad experience of the Bombay Back Bay Reclamation Scheme and we do not want that another blunder should be committed for want of competent scrutiny.

One more point, Sir, and I have finished. That is the composition of the Advisory Committee of the various railways which is not quite satisfactory so far. I wish that the composition of Railway Advisory Committees should be such as they may discharge their duties most efficiently and usefully. What I mean is that commerce and industry is not sufficiently represented. The composition therefore needs revision.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO (Madras Non-Muhammadin): Sir, it is indeed a matter for gratification that, consequent on the separation of the Railway Finance from the General Revenues and the introduction of better and more economical methods of running the Railway Administrations, the railway property is now in a sound financial position. Although the Income Committee put down the net return from the Railways to the State at 8½ crores per annum, the average net profit is now considerably above the figure anticipated by the Committee. Apart from the efficiency of the administration, it must be admitted, that this result is also the outcome of the vigilance of the Legislative Assembly and

the Standing Finance Committee on Railways and the proper check and scrutiny exercised by them over the Railway expenditure. Nevertheless, I consider that there is still larger scope for economy and retrenchment and for the prevention of leakage and wastage and the Railway Departments must set to work in this direction forthwith and not rest content with their past success.

The first thing I would urge, for the earnest consideration of the Government, is the rapid Indianization of the Railway Services. The progress of Indianization would undoubtedly contribute to economy. Some measures are said to have been taken to accelerate Indianization but they are halting and the result so far is disappointing. Indians in the Superior Engineering and Revenue Establishment in State Railways are only about 23 per cent of the total strength. There is no reason why the more educated classes of Indians should not fill the superior positions of Engineers and Assistant Engineers and also hold superior positions in the Traffic and Locomotive Departments. There is no doubt that the present high cost of working expenses in the State Railways in India is due to the highly paid European agency at the top of the administration. In fact, the railway officers are paid a good deal more than the civilians and they enjoy even greater privileges than they. Even the Lee Commission's recommendations are made applicable to these railway officers. This costly machinery must, therefore, be replaced by a cheaper one at the earliest moment possible. One of the arguments that is usually put forward against Indianization is that it will lead to inefficiency. But efficiency is not the birthright of Europeans alone. I am not one of those who want to sacrifice efficiency at the altar of economy. I am sure efficient men will be forthcoming also from among Indians, if only you give them the necessary facilities for training and opportunities to serve. While Indians have distinguished themselves as civil engineers, electrical engineers, mechanical engineers and so on and are holding high positions under Government as such, will it be difficult for them to acquire the necessary knowledge and capacity to fill a Railway Engineer's place? After all, Railway officers are born and not made. If other nations like Japan, Germany and America have been able to train and turn out Railway officers in no way inferior to Englishmen, why should not India do likewise? In America, very great attention is paid to railway training. In the University of Illinois, for instance, an elaborate course of training in railway transportation, railway economics, and railway engineering is provided and successful students after three or four years' training are given the degree of B.A. in Railway Economics, and B.Sc. in Railway Transportation or Railway Engineering. The Railways help such Universities by providing them with lecturers from the railway staff and by recruiting men on their staff from the students trained at such Universities. Why should not the Government of India make some such arrangement as exists in America between the Indian Railways they own and the Indian Universities they control? Even a small sum from the Railway Budget spent in this way annually would help a great deal in solving the problem of Indianization more easily. The railway schools we now have give training to railway employees already in service but for those not in railway employ but wishing to be trained for railway service, there are no facilities at all in existence in this country. I hope the Government will consider this aspect of the question when the proposed Railway Staff College is going to be established at Dehra Dun.

Now, Sir, coming to the passenger traffic on Railways, I must say that the existing passenger fare is abnormally high. The time has arrived when we must consider the question of reducing the railway fare and providing a uniform rate for all Railways. A small beginning has no doubt been made in the matter of reduction of fare but the relief given is miserably poor and niggardly. The South Indian Railway Company, for instance, has made a very meagre reduction from $3\frac{1}{2}$ pies to $3\frac{1}{2}$ pies, i.e., $\frac{1}{2}$ pie per mile for all distances in the third class fare. The Company might as well bring the fare at least to the level of the Madras and Southern Mahratta Railway rate, namely, $3\frac{1}{2}$ pies per mile for 1—100 miles and 3 pies for additional distances. In so far as the fare for first and second class is concerned, the Company has adopted the rate prevailing on the Madras and Southern Mahratta Railway. There is no dearth of third class passenger traffic on the South Indian Railway. In fact, according to the Company's Budget Memorandum, third class traffic is 98.8 per cent of the passenger traffic and brings in about 92 per cent of the receipts. So, the lower the rate, the more the traffic, and the greater the yield. Again, Sir, in the Proceedings of the Standing Finance Committee for Railways dated 20th January 1926, Volume II, No. 6, I find it stated that there is no intermediate class on the South Indian Railway. There is, I submit, Sir, all intermediate class provided on the Ceylon Boat mail. Quite recently, at a meeting of the Advisory Committee of the South Indian Railway, the question of reduction of the intermediate class fare was also raised. In view of the congestion of passenger traffic in the third class, an intermediate class is absolutely necessary on that Railway, so that the middle class people travelling long distances may avail themselves of it. I cannot understand why a total denial of even the existence of an intermediate class on the South Indian Railway has been made by the Government in their Proceedings. The existing rate for intermediate class is $7\frac{1}{2}$ pies per mile and when a proposal was made to reduce the fare from $7\frac{1}{2}$ pies to 6 pies per mile on mail trains and $4\frac{1}{2}$ pies on other trains, the Agent appears to have expressed the opinion that intermediate accommodation was provided only as an experimental measure and the effect of other reductions in fares, namely, 2nd class, must be seen before considering this proposal. This is what a member of the South Indian Railway Advisory Committee writes in *The Hindu* of 10th February, 1926:

“This reply reveals the attitude of the Railway administration towards providing intermediate class accommodation. It appears to me they want to make out a case that intermediate class accommodation is not popular and thus to put a stop to it. For, with $7\frac{1}{2}$ pies per mile for intermediate class in the Boat mail and 9 pies per mile for the second class in the Trivandrum Express trains, many would naturally prefer the second class in Express trains to intermediate in the Boat mail and convenient statistics will not then be wanting to show that the intermediate class is not popular.”

This is really an unfair method for the Railway administration to pursue and I would like to know in the first place whether the Government are aware of the provision of intermediate class on the South Indian Railway and if they are aware, as they must be, how are they going to reconcile that statement they have made in the Railway Financial Committee's report that there is no intermediate class on the South Indian Railway? If it was an experimental measure, why not say so? How are the Honourable Members in this Council and the public outside, who are unacquainted with Madras, to know about the experiment that is being carried on and the success or otherwise thereof, when an authoritative document like the Railway Finance Committee's Proceedings gives a totally different version, and denies the very existence of an intermediate class on that Railway?

Let me now pass on, Sir, to the Madras Suburban traffic of the South Indian Railway. This question, I must point out, is correlated with the problem of overcrowding in Madras. A close study of the analysis of passenger traffic on the South Indian Railway reveals the fact that the Suburban traffic has increased considerably during the period 1910--14. But the present prohibitive rate for season tickets has practically given a setback to the relief of congestion in Madras. It is inadvisable on the part of the Railway Company still to continue the war time rate and not attempt to reduce the fare for season tickets. A substantial reduction in the season ticket rates, a faster train service than at present exists and the provision of a better and more convenient type of rolling-stock will, I am sure, go to solve the housing problem in Madras half-way at least. This brings me on to the subject of doubling the railway lines and the Electrification of the Suburban lines. The first of the above schemes has, I notice, just been undertaken and I am glad to find that a sum of Rs 54.50 lakhs has been provided in the Budget for Madras improvements. The Electrification Scheme, I hope, will also be pushed through simultaneously and not be made to drag along for an indefinite length of time.

In regard to the construction of new lines I am sorry to observe that the long-projected line between Mangalore and Hassan has practically been abandoned for the time being. In reply to my interpellation on the subject the other day in this Council, the Honourable Mr. Chadwick said that its financial prospects do not justify the construction of the line at present. The above line was originally conceived for tapping the planting area on the Western frontier of Mysore and for linking up that inland province with the sea-coast and providing her with a direct communication with the sea-board. These purposes still remain to be fulfilled or in other words, Mysore still lacks an outlet for her produce in general and for her coffee in particular, nine tenths of which always finds its way to Mangalore in spite of the defective means of transport now available. Not a little traffic now passes between the two places and a railway is bound to stimulate it contributing to the advantages of both the countries concerned. Till recently, the Assam Bengal Railway was being worked at a loss. That Railway's Budget Memorandum says

"In 1925-26, for the first time in its history the Assam Bengal Railway shareholders were under the terms of working contract entitled to surplus profits."

Why was this Railway opened then and why is this Railway maintained still, though working at a loss all along? Is it not in the interests of the European planters of Assam? My own district of South Kanara is very poor in railway communications. All railway communications end with Mangalore. The interior still remains unexplored and unserved. A line from Mangalore to Goa is sadly wanted. If one wants to go to Bombay he must go by steamer from Mangalore or *via* Bangalore and Poona taking a very circuitous route. Steamer service especially in rough weather and rainy season is seldom availed of. I hope the Government will see their way to give us some relief in the matter of Railways in the near future.

The comforts of the travelling public are not properly attended to in most of the Railway Administrations. So far as the upper classes are concerned all is well with them. With regard to third class passengers, it is really a monstrous and at the same time pitiable sight to see them penned in like cattle in every compartment, even to the point of choking. It is really cruel to admit more passengers than accommodation

would permit. It may pertinently be asked "Why do they rush in like that?" The answer is "When is the next train to go? Is it not after another twelve hours that the next train leaves?" The fact of the matter is that Railway Administrations are unwilling to run more trains partly from a sense of false economy and partly from want of rolling stock. Again, no arrangement has been made for supply of meals to Indian passengers in long-distance trains. There ought to be an Indian restaurant car, as there is a European restaurant car, attached to those trains. The Indian buffet will not do, as it provides only refreshments. At some junction stations, meals can be had but it is impossible for one to take his meals within the short time the train stops. Further, there appears to be no kind of sanitary check or control exercised over these places. There is no separate sanitary staff in any of the Railways. There are petty vendors of edibles; fruits, etc., in every station who are all licensed by the Company. I would like to know for what the license is issued. Is it issued merely for them to enter the railway premises and sell any stuff they like? How much is being collected from these people and how is the amount utilized? Why should not the Railway Administrations set apart this sum for the maintenance of a sanitary staff to enforce sanitary conditions on these licensed vendors. These vendors with their unclean habits with their old foodstuffs, rotten fruit exposed for sale and subjected to the ravages of fleas and flies must really be revolting to the sanitary conscience of the passengers and must be endangering their health considerably. The waiting rooms or third class waiting sheds as they are called, are too small to accommodate all the passengers. The retiring rooms for upper class passengers at junction stations are meant only for Europeans and are available to the Indians only in their absence. There is racial discrimination even here. The Railway Administrations must first look to the comforts and conveniences of passengers before they begin to count their profits. I appeal to the Honourable Member for Railways to insist on Railway Administrations not to overlook this important duty they owe to the passengers.

Lastly, Sir, I come to the question of the health of the railway staffs themselves. Medical relief on Railways is in my opinion very inadequate. Out of about 39 Railways, there are only about 10 Railways who have got some sort of medical establishment of their own. The superior staff of medical officers are in all about 70 which is very insufficient to administer to the needs of a vast railway population. I am glad the Government have recognized their inaction if not negligence in the matter for so long a time and are anxious to make amends. I do appreciate the sentiments expressed in the speech of the Honourable Sir Clement Hindley delivered at the meeting of the Indian Railway Congress in 1924.

These are weighty words indeed and I trust Government will translate them into action and thus ensure the health and well-being of their employees ere long

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce) Sir, as a preface to a few remarks I wish to make on the Railway Budget, I congratulate the Honourable the Commerce Member, and through him the Chief Commissioner for Railways and his staff, for the very admirable way in which the Budget has been drawn up and the form in which it has been presented to this Council. In perusing the figures given in the Budget and more especially the references to them in the speeches of the Honourable the Commerce Member in another House and, in this House, of the Honourable the Chief Commissioner for Railways—to give him the full honour to which he is entitled by reason of his recent nomination to this Council an honour lately attached but not yet obliterated—I clearly recognise a certain finger in the pie. The finger is that of my old friend Mr. Sim whose appointment to the Railway Board was the Central Board of Revenues' loss but the Railway Board's gain.

The final results of the financial year 1924-25 were extremely gratifying and must have induced a pleasing glow in the stalwart frames of the Honourable the Finance Member and of our friend here the Finance Secretary.

The revised budget estimates for 1925-26 are perhaps not quite so comforting, but I sincerely congratulate the Railway Department, and all those concerned with it, in that the difference between the revised estimated balance and the estimated balance submitted to us about a year ago shows a falling away of only 35 lakhs and that during a year of what we all know to be one of much trade depression. That the Finance Member is likely to receive from Railways only 16 lakhs less than he was led to expect he would receive should not elicit even the smallest of growls from him knowing, as he does the extreme dull days of trade through which we have been passing for many months will affect adversely the excess balance over 3 crores of which the General Revenues receive one-third. Some of us, if not all of us, in this Council can appreciate keenly the difficult times which the Railways in India have gone through and are going through in the current financial year. While perusing the figures given on the revised estimates for the current year 1925-26, I cannot find for how many months or up to what date actual figures are forthcoming, I trust that the revised estimated earnings for those months of the year for which actual figures cannot be yet obtained are on a sufficiently conservative basis.

The budget estimates for 1926-27 are extremely interesting, and this Council is of course aware that to a large extent they must necessarily be speculative. I am an optimist by nature and I admire the optimism of the Chief Commissioner in describing the present conditions as favourable and in anticipating a favourable monsoon, and I sincerely hope his optimism will prove to be justified.

Turning to the Capital Budget of 1925-26, I am sorry to see that the net grant of some 23 crores for the current year is not likely to be spent but will fall short by some 3½ crores and I trust that the old bogey of programme revenue is not responsible in any way for this. To my mind it is most essential that there should be no slackening in the work of the improvement of the permanent ways, of the reconstruction and—where necessary—the strengthening of bridges, of providing up to date and

economical locomotives and rolling stock, in short in the whole work of bringing our Railways up to the highest state of efficiency possible. By this means, only, can we look for further improvement in handling passenger traffic of all classes with comfort, safety and expedition and in dealing with the transport of goods rapidly and promptly in order to avoid congestion, which in past years has been a serious drawback to the trade of this country.

The electrification of the Railways in and about the large railway centres and termini is a matter of great importance, Bombay, as pointed out by the Honourable the Commerce Member and the Chief Commissioner, is showing the way and, there not only has the Harbour Branch of the Great Indian Peninsula Railway been open for some time with an electric service but one of the suburban lines of that Railway is also running trains whose motive power is electricity. We are anxious to go forward as quickly as we can with this in Bombay and I hope that other provinces will follow our example.

Not least among the pleasing features of this Budget is the reduction of passenger fares and also the proposed reduction of the long distance freight on coal. This question of a reduction in existing coal freights was debated in this House last September on a Resolution, brought forward by my friend, the Honourable Rai Bahadur Lala Ram Saran Das, which was passed without a division. And here may I digress for one moment. In his speech introducing the Railway Budget in another place the Honourable the Commerce Member expressed his thanks to the Standing Finance Committee for Railways, composed almost entirely of non official Members of the Legislature, for the great assistance accorded by that body in framing the Budget. In fact he pointed out that the Budget was one recommended to the Legislature by a number of its elected representatives, and yet recently in this House we heard speeches to the effect that no progress was possible under the present constitution. In this House we have passed many recommendations the values of which have been acknowledged by Government and which have been acted upon. What about Agriculture to examine which a Royal Commission has been appointed, what about the Skeen Committee of which an Honourable Member, unfortunately not present is a Member. Our advice has frequently been sought by Government. And now Government has acted upon our Resolution in favour of a reduction in the long distance freight on coal, although, I would remind you, no doubt for their own very good reasons, the Resolution was not received with open arms by the Railway Department. And yet there are some who say we make no progress and can achieve nothing under the present constitution.

I listened with interest the other day to the Chief Commissioner's statement of open line works directed towards a more efficient handling of existing traffic and to meet and foster a natural expansion of traffic. I have always held the opinion and have expressed it on more than one occasion that the solution of a congestion in passenger and goods traffic does not lie in supplying your railways with more rolling stock to the extent of choking them but in improved facilities for the rapid and effective handling and moving of the existing stock which at the same time should be brought up to date. I am glad to see that the Railway Board continues to give close attention to this important matter. I notice that a considerable sum is to be spent on the remodelling of Victoria Terminus at Bombay.

which I know to be necessary to meet growing traffic requirements. May I ask my friend opposite if any decision has yet been arrived at as to where the terminus of the long distance traffic of the Bombay, Baroda and Central India Railway, is to be located when Colaba station is closed?

Honourable Members of this House are no doubt aware that Viscount Inchcape has recently paid a brief visit to India—a holiday trip and not a business or political one as has been suggested in some quarters—and I feel sure that had he been able to extend his holidays he would have been the first to congratulate the Railway Department on the achievements attained during the three years since the hardworking Inchcape Committee made its report. It is exceedingly gratifying to learn from the Honourable the Commerce Member's speech in the other House that the results of the past three years' workings of our Railways have exceeded the figures which the Inchcape Committee suggested should be aimed at.

So, I do not wish to take up more than my fair share of the time allotted to Honourable Members for the discussion of the Railway Budget. At the beginning of my remarks I congratulated the Railway Board on the way in which the Railway Budget has been presented. I have however one suggestion to make, which is that this small white booklet described in the Note as the "Budget Proper" should be printed in a larger form say of the size of the pink books of the estimates. The printed figures in the white booklet are exceedingly small and bearing in mind that we have been described as a body of elderly statesmen it can be readily imagined that the sight of some of us is not as keen as that of our younger brothers and it is a difficult matter to peruse figures which almost necessitate a magnifying glass to read them.

In his speech the Honourable Sir Charles Innes said that this is the last Railway Budget which he will defend in the Legislature. Thus I feel sure all of us regret exceedingly. I wish he had been able to be present here this morning, but I have heard on very good authority, first-hand authority, that the regret we feel in not seeing him here is more than shared by the Honourable Member himself. He had been called away to attend some other meeting which he told me he could not possibly get out of. The Legislature will miss him keenly when he goes, but I will not say more about this now as he has not gone yet. I do not think he will find much difficulty in defending—I use the Honourable Member's own words—the Railway Budget before us. The present financial year has been and is still one of very considerable trade depression, we hope for brighter conditions in 1926-27, and under the circumstances I feel that, although there may be criticisms the Honourable the Commerce Member, the Chief Commissioner for Railways, and the whole of the Railway Department cannot be fairly attacked on their Budget generally, but on the contrary that they will receive very many congratulations on the results achieved.

THE HONOURABLE SIR CLEMENT HINDLEY (Chief Commissioner Railways). Sir, I wish first of all to thank Honourable Members of this House who have congratulated the Railway Department on the Budget for then many encouraging remarks about the work we are trying to do. There have been a few dissentient voices, but I recognise that that must always be the case in a controversial matter like our Railways. The Honourable Mr. Bell has complained that we did not give him sufficient time to read

the 19 volumes of statistics and figures which necessarily accompany our Budget I can only say that I am very sorry about it, but I am not at all certain that the Honourable Mr Bell ever really meant to read those volumes even if we had given him longer time. The actual allotment of days for this business depends, as the Honourable Mr Bell and others know, on the business which the Council has before it, and I cannot undertake that longer time shall be provided between the presentation and the discussion. The business must be regulated by other business in hand. At the same time I will make note of his complaint, which was voiced by others. The Honourable Mr Bell expressed himself as being satisfied with the results of separation of finances and particularly urged the Railway Board not to submit to pressure from any source to depart from their policy of steadily building up reserves. I was glad to have that statement from the Honourable Mr Bell, but I was rather unprepared for his next statement, namely, that he thought we should at once proceed to grant a larger rebate on export coal. I am quite aware that he said that this should be subject to his previous remarks, but the two things to my mind, Sir, are at first sight incompatible.

Then, Sir, I was asked or perhaps the Honourable Mr Bell was trying to draw me—in a slang term perhaps he was trying to pull my leg—about the Howrah Bridge. The Honourable Mr Bell knows perfectly well, I think, that the Howrah Bridge at the present moment is under the consideration of the Government of Bengal and it is not before us as a subject. He knows perfectly well that the future Howrah Bridge has always had my sympathy and will always continue to have it. But I am not at the moment prepared to extend very much sympathy, as I said last year, to the people of Calcutta who will not make up their minds to build the bridge and be done with it. We feel exactly as he does about the electrification of suburban railways in Calcutta and we intend to push that scheme forward as soon as we have a satisfactory report.

Sir, the Honourable Mr Manmohandas Ramji pointed out rather an interesting series of figures with regard to the working expenses of certain railways before and after they came under State management. He pointed out that the Great Indian Peninsula Railway working ratio was at present 69 per cent whereas Company lines like the Madras and Southern Mahratta Railway and the Bombay, Baroda and Central India Railway were working in the neighbourhood of 60 per cent. It is always possible to use figures like these to get any particular argument. But perhaps the Honourable Mr Manmohandas Ramji does not remember that about three years ago the Great Indian Peninsula Railway as a Company-managed railway was working at about 90 per cent. That is to say, its working expenses were very nearly equal to its earnings. It is now working at 69 per cent. That is my answer. This matter, as the Honourable Member himself knows, was thrashed out several years ago.

I cannot attempt to deal with all the subjects that the Honourable Rai Bahadur Lala Ram Saran Das dealt with in his speech because many of them, as he would admit himself, deal with matters of detail in a particular part of India and it is not possible for me at this moment nor would it be in accordance with the wishes of the Council to go into them in any detail. But I wish to mention one or two matters which he brought up. As opposed to the Honourable Mr Bell, the Honourable Rai Bahadur asked that we should not give rebate on export coal but should reduce the long distance

coal freights by another 15 per cent Well, Sir, that is a very nice proposition for the people who live at long distances But I want the Honourable Rai Bahadur and others to again read our papers and to see how difficult it has been to make the reduction that we have made We have taken great risks of losing revenue by making that reduction and I want the Council to realise that we cannot go forward rapidly in this matter As I said in my speech, we must make experiments and we must see the effect before we go further It is doubtful indeed whether, with our present expenses, it would be a remunerative proposition, to carry coal at long distances at a lower rate than we have at present We have to remember the increases in our working expenditure, that is to say, the increase in all our fundamental expenses as compared with a few years ago The Honourable Rai Bahadur asked for my particular sympathy in regard to certain literate apprentices in the North Western Railway workshops who were appointed and received their training before the present arrangements with the MacLagan College were made I have no knowledge of the rumour that these young men will not get appointments, but I do not believe that they are going to be thrown out in the streets I have no reason to believe that if they have completed their training satisfactorily there will be any difficulty in finding places for them As the report of the Industries Commission has been mentioned I would say that it was expressly recommended to us by the Industries Commission that railway workshops should try and train mechanics and literate Indians for mechanical work not only for Railways but for outside work, and in railway workshops like Moghulpura they do get an all-round mechanical training and therefore have something in their hands which they had not got before they went there

I wish to contradict one statement that my Honourable friend the Rai Bahadur made that they were trained only for railway work and were of no use for outside work

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS I think what I said is right, because those apprentices are being trained in one particular department, either in the erecting, millwright or some other department

THE HONOURABLE SIR CLEMENT HINDLEY I cannot go into details now, but my impression is that the present course of training takes them through all the workshops in the railway and they get very varied experience

I would also like to correct another impression which is unhappily prevalent that training schools like Chandausi will necessarily take men straight away from their subordinate duties into the superior services The training school at Chandausi is primarily for training the staff in their duties so as to make them more efficient in their duties and qualify them gradually for getting up in the service, but because those ten station masters to whom reference has been made have been through the school and have passed the examination, it does not follow that they can at once expect to get promotion Our object is to take all the staff through that school and improve them in their duties so that they can gradually get promotion

The Honourable Rai Bahadur in the last of his remarks said that we were going to spend something like 20 crores of rupees on the getting of our rolling stock for automatic couplings and he compared this with the work that is being done in Bombay on the Back Bay Reclamation scheme There is no comparison at all between these two things, and I am sure the Honourable Member did not intend us to take his remarks seriously.

In the first place this is an ordinary business matter which has to be attended to. We do not propose to spend anything like 20 crores. If we go through this work we expect to spend 5 or 6 crores spread out for a number of years. I expect very great benefit to result in the matter of reduction of expenses and in the reduction of first cost of new rolling stock and considerable benefit to the staff who have to do the work of coupling of wagons. I should like to say that this is not extravagance of any kind. It is an essential improvement which we must make in our rolling stock in order to carry the heavier traffic and it is also going to be the means of reducing the risk to workers who have to couple up wagons. With these automatic couplings there will not be such great risk to the men who have to do the coupling. I therefore deprecate the matter being considered as a sort of extravagant adventure. It is a very necessary requirement of our railways and I hope it will go forward rapidly.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS One-word

THE HONOURABLE THE PRESIDENT The Honourable Member is not entitled to another speech

THE HONOURABLE SIR CLEMENT HINDLEY Now, Sir, I come to the speech of Dr Rama Rao, and perhaps I might include with that speech some remarks made by Mr Ramadas Pantulu. Really, Sir, I cannot believe that the Honourable Mr Ramadas Pantulu intends me to take quite seriously some of the things he said to-day. It seemed to me, that while he had been contemplating the state of India when there were only a few miles of railway running out of Calcutta and running out of Madras, he had become obsessed with things of those days, and that his mind had not moved forward from that period to this, because he did not seem to know anything about what we have been doing in the last few years on the Railways. If he had read our papers a little more carefully or had studied the subject with that earnestness which he puts into his statements I am quite certain he would not have come to the conclusions which he did. He quoted and read at considerable length a statement from the Industrial Commission's Report. He said things are very backward in regard to the training of Indians as mechanics and that even the Industrial Commission brought this to notice. When did the Industrial Commission sit? In 1915. I think it was in 1915 that that Report was written, more than 10 years ago. Does the Honourable Member intend this House to believe that the state of affairs is now as it was when it was reported on by the Industrial Commission? Has the Honourable Member tried to find out what we have been doing to improve the training of Indians as mechanics in the workshops and the recruitment of Indians as mechanics? The Honourable Member must be completely ignorant of what has been done at Jamalpur, at Moghulpura, at Kanchrapara and half a dozen other centres where technical schools have been built and hostels have been built and where Indians are now being trained, and where, as another Honourable Member pointed out, the boys who went in for five years' training, have now come out fully trained. That is all I have to say on that subject. The Honourable Mr Ramadas Pantulu is completely out of date in his information of what we are doing in training on our Railways.

Then, Sir, we have had several statements made by our critics here to the effect that the policy laid down for stores purchase has been completely ignored. I strongly deprecate statements of this kind because we are

following out the policy laid down by the Stores Committee, which policy has been embodied in the Stores Purchase Rules. It is only necessary, if any Honourable Member wishes to ascertain the facts to see what we have been purchasing in India and what we have been purchasing abroad, as shown by the figures in our published statements, which show that a steadily increasing amount of our stores are being purchased in India. One individual case has been mentioned, where the Agent of the Great Indian Peninsula Railway has called for tenders for certain jarra wood sleepers. Well, Sir, there are cases where the indigenous product is not altogether suitable. I reserve my judgment in this particular case, but I wish to say that there is no injustice to India in calling for tenders for materials. After all it is matter of finding out whether the material is cheaper and can be produced cheaper abroad than the indigenous article, or whether the indigenous article is cheaper.

The Honourable Mr Ramadas Pantulu charged us with excessive caution. He said that we had given a very meagre reduction in fares and rates. He sees a very large reserve and he thinks there should be no need for caution. In the next sentence he went on to say that he regretted very much that this House did not control the Railways, and perhaps he regretted that he and his Party did not control the Railways. Now, Sir, if that is a sample of what he would do if he had control of the Railways, that he would throw all caution to the winds the moment he got a small reserve fund and reduce rates and fares wholesale for the good of the people, instead of first building up reserves, then, Sir, I hope that day may be distant. But I do not think he really meant that.

THE HONOURABLE MR V RAMADAS PANTULU Over-caution, too much caution!

THE HONOURABLE SIR CLEMENT HINDLEY Well, Sir, the amount of caution any one is entitled to use in a matter of this sort must be a matter for very careful consideration, and I gathered the Honourable Member would use considerably less caution than we should and take much greater risks. At the same time I claim that in view of the possible difficulties in the future in finding the money necessary for our heavy obligations we have gone as far as we can and as far as caution advises us to go. We have promised—the Honourable the Railway Member promised and I myself in my speech promised—that the matter was being further examined, and we do not propose to stop further examination of the subject, simply because we have been able at first examination to make some reductions.

I think, Sir, I must leave the various suggestions that were made for additional construction in various parts of India and not comment on them now. We shall have them on the record and refer to them in preparing future construction programmes. But I would like to suggest that some Honourable Members seem to have spoken without having had time to fully study what new lines are proposed in their particular localities.

The last suggestion made by the Honourable Member from the North West Frontier Province was that we should have further institutions like that we have at Chandausi. He mentioned that he would like to see one at Lahore or Lyallpur. Well, Sir, I have already announced that we are setting up one at Lyallpur which will give training to railway employees in

a large portion of the Punjab We may have one further West later on, but we want this established first at Lyallpui

I think, Sir, that I have now answered the main criticisms that have been put forward

THE HONOURABLE SIR CHARLES INNES (Member for Commerce and Railways) Sir, I feel that I have not much excuse for addressing the Council of State this morning, but I do wish to express my regret that an important Select Committee prevented me from attending the earlier part of this debate Sir Clement Hindley has dealt faithfully with my Honourable friend Mr Ramadas Pantulu, but I must confess that I myself have a good deal of sympathy with the Honourable gentleman When I heard his speech it struck me that what the Honourable Member really would have liked would have been a really bad Budget when the Honourable gentleman would have had a really good excuse for an attack upon the Government But as it was, with the Budget as it is, the Honourable Member laboured very heavily He had to trot out all the timeworn fallacies which I thought had been put away for ever The Honourable Member told us that the policy of the Indian Railways was directed solely for the benefit of the foreign capitalist He made the startling announcement that our Railways were based mainly upon our ports He went on to say that our railway rates were so designed as to facilitate the import of foreign goods and to encourage the export of raw materials Well, Sir, that old superstition was dealt with in 1921 by the Acworth Committee The Acworth Committee said

"In one respect, at least, the Indian Railways have refrained from following the accepted railway practice in other countries It is usual in most countries to concede for export traffic through a sea port rates which are not available to that seaport for local traffic, and *vice versa* in countries which adopt a free trade policy, to fix lower rates for the carriage inwards of goods imported through a port than for goods produced locally at the port town This practice is not, so far as we have been able to ascertain, followed in India, Bombay receives from upcountry large quantities of raw cotton, part of which is worked up on the spot and part exported Similarly, Bombay distributes to upcountry points large quantities of cotton cloth, part of it locally manufactured and part imported The raw cotton rates down to Bombay port and to Bombay town are the same, and so are the manufactured cotton rates upwards The same principle, we understand, is applied elsewhere, in the case, for instance of the great Calcutta jute trade"

Now, Sir I think that before the Honourable Member repeats these hoary old fallacies he really ought to make himself conversant with the literature existing on subjects of this kind Again, Sir, he used rather an extraordinary argument In repeating his statement that the Railways existed solely for the benefit of the foreign capitalist, he pointed out that in reducing third class passenger fares we had mostly reduced long distance fares, he gave that as an instance of the way in which we favoured the capitalist, but surely the Honourable Member must see that the capitalist does not use third class carriages, still less does the foreign capitalist I think, Sir the time is past for statements of the kind that Mr Ramadas Pantulu just made I have now been connected with the Indian Railways for five years I have assisted in this House and in the other House in many debates on railway questions Particularly in the other House, three or four years ago, statements of this kind were made, but my experience is that these statements are being made less and less, and I think it is beginning to be realised generally that the Government of India and the

Railway Department have made it their aim and then sole and single-minded aim to develop the Railways to the best of their ability in the interests of India and in no other interest. I have always had from this Council full recognition of that fact, and I am glad to say that in the other House that fact is being recognised more and more, and I do suggest for the consideration of my Honourable friend that he should reconsider his position in this matter, and that before he makes statements of this kind he should, as I have said before, try to make himself acquainted with the literature which exists upon the subject.

There is just one more subject to which I wish to refer before I sit down, and that is the old and ancient question of Indianisation. Every time I speak upon the Railway Budget I speak upon this particular question. I am quite prepared to admit, Sir, that up to a few years ago Indians were not commonly employed, at any rate, in superior appointments on Indian Railways. But during the last five years there has been a considerable change in this respect. I had the figures taken out only the other day, and if we exclude those departments for which facilities of training do not now exist in India—I am referring to such departments as the Carriage and Wagon and Locomotive Departments—I find that in the last five years 65 per cent of such vacancies have been filled by Indians, and I claim that that is a very real improvement. It is perfectly true that there are not at present very many Indians in the higher appointments in the Railway Department, but, Sir, as was said in this debate in this Council last year, it must be a question of time before we reach that result. All our higher appointments in the Railway Department are technical appointments, for them we require special knowledge and above all special experience, and you cannot measure the progress of a policy by an hour glass. It is perfectly useless every few months to get up and say "Why have you not got Indians in the higher appointments in the Railway Board?" You must give time for a policy of this kind to work out. But I do claim that we have made in the last few years a very real advance. Even in the Railway Board itself there has been a very great advance ever since last year. Last year in the Railway Board we had 22 gazetted appointments and five Indians. This year we have 17 and seven Indians. Below the Railway Board itself there are Directors and this year two out of the five directors are Indians, and I wish to make it plain that those Indians were not appointed to those particular posts because they were Indians, they were appointed because they were what we considered to be the best men for those jobs, and I claim that that is the only right principle to follow. You must get the best qualified men for higher appointments of this kind, but what I say is that if the best qualified man happens to be an Indian, well nobody is more pleased than I. I think Sir, that we can claim that in the Railway Department, whatever the Honourable Mr. Ramadas Pantulu may say that in the last five years, we have made a very great improvement in our Railways. I believe, Sir, that there are very few countries in the world that can show such satisfactory results from their Railways as India has been able to do in the last few years. We are improving the permanent way, we are improving our arrangements for traffic every year, and if only people would trust us if only they would recognise that we are trying to do our best for India. I am perfectly sure that Sir Clement Hindley and the men who are working with him in a very few years' time will have made the Railways in India an even better instrument of commerce than they are to-day.

Saturday, 6th March, 1926

GENERAL DISCUSSION OF THE BUDGET (PART II)

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce) *Sir*, I trust that the Honourable the Finance Member has enjoyed to the full the short holiday so generously extended to him by the other House. Doubtless he comes here to day full of vigour and that being so I feel that it is almost a pity that the Budget which he has presented to us leaves little room for criticism save that of a congratulatory nature. I do congratulate most heartily the Honourable Sir Basil Blackett on his Budget and on the admirable way in which he has pulled together the finances of this country during the past few years. I think one of the most interesting statements in connection with the Budget will be found to be that appended to the Honourable Member's speech. A brief perusal of this statement will reveal that after five years of deplorable deficits which ended in 1922-23, we embarked on an era of surplus Budgets well on the right side of the estimates. In 1923-24 we had a surplus of 239 lakhs, in 1924-25 we had a surplus of 568 lakhs and at the end of the current financial year it is expected with confidence that we shall see a surplus of 130 lakhs. Finally our budget estimates for 1926-27 are expected to produce a surplus of 305 lakhs, but then we have to allow for loss of revenue arising from the just abolition of the cotton excise duty.

Sir, to turn aside for one moment to this cotton excise duty, about to be extinguished, we in Bombay are indebted to the present Government for their decision to bring forward legislation to wipe out what has been for many years a blot on the Indian Statute-book, and I offer the Honourable Sir Basil Blackett my felicitations that the healing of this wound which had become an open sore, has been effected during his term of office. That the millowners in Bombay have not perhaps taken the full advantage of the abolished excise owing to a bargain they made in certain quarters can perhaps be better explained by the Honourable Member sitting behind me than by myself.

Sir, in my speech on the Railway Budget in this House a few days ago, I referred to the gratification which the Honourable Finance Member must have experienced at the result of the railway working during the year 1924-25, which, as the Honourable Member has pointed out, was the chief contributory factor in the improvement of nearly 169 lakhs over the estimated surplus of that year.

Turning to 1925-26 the revised surplus amounting to 130 lakhs is extremely pleasing, and although I have heard adverse criticisms in some quarters of 50 lakhs of that sum being applied to the capitalisation of an annual amount of 2½ lakhs for archaeological research, under the circumstances explained in the Honourable Finance Member's speech, I do not propose to voice any objection to the suggestion. Archaeology is not only an interesting but it is an instructive research, and who knows but that in his diggings below mother earth, Sir John Marshall may not come upon the mummified remains of some prehistoric Government! I fancy that a Finance Member in those days would have had an easier time than the Honourable Member sitting in front of me in balancing his Budget, he probably would have helped himself to what he required from the people without running the gauntlet of adverse criticism in a Legislative Assembly or in a Council of State. When referring to the 1925-26 figures, I feel

that we should express to His Excellency the Commander-in-Chief and the whole of the Army Department our appreciation of their working, in that year, so closely to the budget estimates

I now come to the budget estimates for 1926-27. First of all, I notice that the estimated surplus of 305 lakhs includes the sum of 175 lakhs which would be received from the cotton excise duty but for its proposed extinction. The reason for including receipts which will not be receipts is presumably a matter of book-keeping and possibly also to emphasise to Bombay the amount which the Central Government are renouncing from collecting, as a set off against the disregarding of Bombay's claim for a reduction in her provincial contribution. I have argued Bombay's case as regards her provincial contribution on the floor of this House on more than one occasion, and Honourable Members must well know my opinion about it, and I do not therefore propose to repeat myself now. But I am glad to observe that the Honourable the Finance Member has promised to take this question up very shortly in connection with the examination of the Report of the Taxation Inquiry Committee with special reference to their proposal for modifying the existing Devolution Rule 15, dealing with the payment to provinces of an equitable share of the income-tax receipts. That they have received annually only an infinitesimal sop from income-tax has long been the cry both from Bengal and Bombay. After deducting the not-to-be collected excise duty, we are left with a surplus of 130 lakhs in the budget estimates for 1926-27. Of this, 125 lakhs is to be expended in the reduction of provincial contributions in which only four fortunate provinces have a share. This leaves a margin of a budget balance of 5 lakhs, which I recognise is small enough to work upon. I do, however, wish to emphasise to the Honourable Finance Member the necessity for reduction in the general level of import duties. Nobody will deny that Sir Basil Blackett is a bold man, and he gave some show of his boldness last year in reducing the tax on petrol. His daring was more than justified, as, in spite of the reduction, the revenue received from the duty on motor spirit shows an increase. Let me recommend to the Honourable the Finance Member a similar bold line of action with regard to other items coming under the head of revenue from customs. I invite his attention to motor cars and motor tyres which are still classed under the luxury tax of 30 per cent. I would also draw his attention to the duty of 15 per cent on certain imported tinned food stuffs, etc., which to my mind is unduly high. In fact, I consider that the whole of our tariff under customs might well be thoroughly explored in order to see in what directions relief can be afforded. Again, we hope in the near future for some relief in income-tax and super-tax, not as a personal matter, but as an assistance towards general trade in this country. I am aware that the Indian Taxation Inquiry Committee has touched on some of these matters, but although I have not digested the Report in its entirety, I am afraid I cannot agree with all the proposals put forward. Apart from this reference to it, I will leave the Report alone for the present, doubtless we shall have an opportunity of discussing it in this House later on.

In his speech the Honourable the Finance Member made a touching and somewhat regretful reference to the salt tax and the low rate at which it is fixed. I share his regret at the discontinuance of this tax at a level which might have enabled the Central Government to have extinguished completely the provincial contributions by this time and thereby freed the Provinces to prosecute their schemes for education and for other beneficial

measures more thoroughly than they are able to do under the present conditions

Sir, I end my few remarks as I began them. I congratulate wholeheartedly the Finance Member on his Budget, and I wish him all good fortune in the realisation, or even the surpassing of his revenue estimates for the coming year.

THE HONOURABLE SIR MAHARAJADHIRAJA BAHADUR BIJAY CHAND MAHTAB OF BURDWAN (Bengal Nominated Non-Official) Sir, with the vagaries of the monsoon in India, it must be gratifying to Sir Basil Blackett to have been able to present before the country another prosperity Budget, and as a Member of the late Committee to inquire into the whole subject of Indian Taxation, I am sure I shall get the support of the Honourable Sir Charles Todhunter when I say that we as members of that Committee welcome a prosperity Budget all the more, as it gives the country an opportunity to study many of the problems which we have had to discuss and consider in that Report, and I am sure that the Honourable the Finance Member must also welcome that it is a prosperity Budget too so that he can have time to consider in his Department the possibilities of future avenues of taxation.

On the Budget itself, Sir, I have very little to say. Coming from Bengal, and having shouldered the responsibilities of the executive Government there, I realised what was wrong with the inauguration of the Reform Scheme in this country in the aspect of finance, and it is therefore very gratifying to me to find that Sir Basil Blackett is pursuing the right policy of reducing these provincial contributions, for the worst enemies of these Reforms would get a complete answer, as my friend the Raja Sahib from the United Provinces who is not here just now said, if the provincial finances were on a sound footing, if the Ministers in the different provinces had money not only to give to what has been now coined and what I very freely mentioned in the Bengal Council as the nation-building departments, but also to play with a little money now and then. What is more, I think it is essential that if provincial autonomy is ever to be achieved in India in the sense that it is so often advocated, a sound financial condition of the provinces is an essentiality which none can deny, and I hope and trust that when the time comes for the Government of India to consider what they are going to do about the contributions that they had been receiving from Bengal, which is in a state of suspended animation for the moment, that it will like the cotton excise duty be abolished and never thought of again, and that other provinces will be fortunate in the same way so that the provinces may have no grouching, and the provinces who may be so fortunate may be able to carry on their work of construction and expansion with enough money in the hands of their different Finance Members.

Turning now to the speech of the Honourable the Finance Member in the Assembly, and not having in front of me the admirable speech of the Honourable Mr. McWatters and not being able to do full justice to it, I should like to make a short reference to the proposed Archaeological Fund. It is a subject which fascinates me, it is a subject, Sir, in which my mind is always saturated, and I should like to see in this country more of my Indian brethren taking an interest in archaeology. India is not only rich in archaeological treasures, but there is a great deal of exploration yet to be done to link the open history of India with its hidden history which up to now civilization has been deprived of and humanity has not known. Whilst, therefore, I welcome the proposal for the utilisation of 50 lakhs of

this year's surplus for the formation of an Indian Archæological Fund, I should like to draw the attention of my friend opposite that the amount that is spent under the head 'archæology,' which is given at page 236 of the Blue-book "Conservation of ancient monuments", may in future years with future prosperity Budgets be put on a sounder basis than at present. I have no complaint to make of the excellent way in which the Archæological Department conserve these monuments. What I often find is that whereas the Archæological Department conserve the monuments themselves, the gardens in some places where these monuments are situated are very often managed by either municipal bodies or Provincial Governments. I should like the whole of this question to be examined, for the art of Moghul gardening is perhaps more or less a lost one. Amidst the surroundings of old Moghul buildings or those of a more ancient period, I should like to see the revival of the gardening of that period also taken up. It may be said that gardening is not Archæology. I admit it is not in the real sense of the term. But what I feel is that in our work of conservation, which has not only a historic value but also an educative value, in our desire to show what the arts were and what has been partly lost and can partly again be revived by Indian hands, I think that Indian architecture and Indian gardening or samples of it should go hand in hand. My main object in drawing the attention of the Finance Department to this is that in the same way as they have found it essential to bring into existence an Indian Archæological Fund they may be able to concentrate their activities to bring the work of conservation more into line.

Sir, on an occasion like this, I know from experience that the Chair gives not only elasticity but indulgence to speakers to travel over a wide field of subjects, and whilst I am in entire agreement with my old and Honourable friend—I do not mean old in age, because he is growing younger every day—the Honourable Nawab Sir Umar Hayat Khan regarding the necessity of maintaining an efficient Army and therefore considering carefully the question of either reducing its strength or cutting down the figures to any great extent, I am sorry that he should have touched, even though slightly, on a communal question, because being an Army man himself, he must realise that in discussing a Budget, the communal question should not arise. If the question has to arise, if the question has to come regarding the protection of minorities, the best way is to advocate more money for the education of those minorities and not by taking a stand behind another power or saying that that power and the Muhammadans together can make a bold stand against the majority. Hindus and Muhammadans are brothers. The sooner they realise that, the better it is for the Empire, the better for their growth, the better for the reforms, and the better for the future constitution of India.

THE HONOURABLE SIR C SANKARAN NAIR (Madras Non-Muhamadan). Sir, it might look ungracious, after what the Honourable the Finance Member has said about the provincial contribution, after his candid acknowledgment that he would not defend the justice of it, and after the grant of Rs 57 lakhs to Madras, for me to stand up here and to say anything about it which perhaps may not be quite acceptable to him. But I have to do it considering the intensity of the feeling in my own Presidency on that matter. The commercial community as represented by the Chamber of Commerce the Legislative Council in so far as it

represents the people, and public meetings of various Associations have all protested to the Government of India against the treatment which we in the Madras Presidency have received. I would like to voice that feeling here, I have to say that I sympathise with it absolutely. I wish the Finance Member had seen his way to render us further help in this matter. I will not go back to the history of the matter. Those who are inclined to do so will find it in a pamphlet headed 'The Milch Cow of India' published by the Chief Minister of Madras, the contents showing that he spoke on behalf of the Government of Madras. The question is also referred to in the recent Report of the Indian Taxation Inquiry Committee, and the Finance Member has promised in his speech that he will consider the whole question. Well, Sir, I would just like to explain what I have to say in this Council. The Council is aware that when the finances were separated between Imperial and Provincial, it was found necessary to ask the Provinces to contribute to make up the deficit of the Imperial finances. The Committee that was appointed to inquire into this matter—the Meston Committee—said that the proper contribution which the Madras Presidency ought to make towards meeting the Imperial deficit is 17 per cent. Now, look at the result? If we contributed at that rate, the amount that we could have been called upon to pay from 1921-22 to 1926-27 would have been 822 lakhs. What in fact the India Government have extorted from us is the sum of 1,781 lakhs. That is, they have taken from us 959 lakhs more than what they should justly have taken from us. That is what they have done. How have they done it, what is the justification, what is to be their attitude in future, and what should they have done in the present year are all questions which we have to look into. Lord Meston's Committee having said that this was the proper contribution from Madras, went on to say, that Madras might well be asked to contribute at certain varying higher rates. They went on to say that Madras might well be asked to contribute at 35½ per cent in the first year, 32½ per cent in the second year and 3rd year 29 per cent, 4th year 26½ per cent, 5th year 23 per cent, 6th year 20 per cent, in the seventh year the normal or the just rate of 17 per cent. At that rate even Madras would have paid till now only Rs 1,411 lakhs. Now note that difference. The Committee says what the just rate is and you are taking Rs 959 lakhs more. The Committee says that Madras might contribute more, that is, Rs 1,411 lakhs, and yet over Rs 300 lakhs and odd more is taken from us. That requires some explanation. Now, the Secretary of State and the Joint Committee did not accept the recommendations of the Meston Committee. But what they did was this. They got rid of this progressive reduction in our contribution and instead of that they said that the Government of India should get rid of it as early as possible. These are the words.

"They emphasise the intention that the contributions from the provinces to the Central Government should cease at the earliest possible moment."

And they laid the responsibility of doing that upon the Government of India. Let us pause for a moment to consider what this means. When you ask the Government of India in those circumstances to take steps to get rid of the provincial contributions as soon as possible, what I think it plainly means—these words give a statutory power to the Government of India and thereby impose a statutory obligation. Take all possible steps which you can take for that purpose, that is to say, give up all avoidable expenditure. Give up expenditure of this kind for instance, so

many lakhs to this University, so many lakhs to that University, and so on. You must get rid of all that sort of thing because our contribution is not to go towards expenditure on those Universities. We want it all for our own education in Madras. All that sort of thing should go. All items of avoidable expenditure should go. But that is not what the Government of India have done. In spite of the statutory obligation laid upon them the first thing they did was to raise the percentage of the contribution of Madras, that is to say, by reducing the deficit of the Government of India from 983 to 920 lakhs, by remission to Bengal of 63 lakhs they in fact increased the contribution from 32 and odd per cent to something more, because whereas they should have taken from us in the first year Rs 326 lakhs taking the deficit to be what it really was 920, they actually levied Rs 348 lakhs, i.e., 35½ per cent of the deficit 983 lakhs. Now, that course of iniquitous conduct, so far as we in Madras are concerned, has been persisted in up to date and even at the present time. With respect to the statutory obligation what have the Government done? The Government have disregarded it. My Honourable friend, the Finance Member, as representing the Government of India goes to the Legislative Assembly and the Council of State and tells them, "What would you have? Would you like to have the cotton excise duty abolished or would you like to get rid of these provincial contributions as far as possible?" That is not, I submit, what he should have done? That is shirking his duty. The Devolution Rules impose a statutory obligation on him, leave it to him to determine what he should do. The Members of the Executive Council and the Viceroy should settle it. They are to decide what the contribution should be. They are to decide what Madras should pay and they were not right to go to the Legislative Assembly or to anybody else and ask them to choose between the abolition of the cotton excise duty and the reduction of the provincial contributions. The moment they began to reduce provincial contributions, the first thing they did was to abolish altogether Bengal's contribution. I do not complain of it. Long long ago, I believe in the seventies and eighties it was Sir Henry Cunningham who said that Madras was being fleeced to benefit Bengal. We are accustomed to it. However, once a bargain was made as a matter of right constitutional practice Madras should have been consulted before the abolition of the Bengal contribution. The Government of India did not do that but went on abolishing the Bengal contribution altogether and thereby enhanced the contribution from Madras without asking Madras what they had to say. The Madras Government sent up then protest by telegram, the Madras Legislative Council protested against it. Without their knowledge, without their knowing anything about it, the Government of India altered the rules altogether and said that Bengal had not got to pay anything at all. We had to submit to everything. But we ask that at least for the present and future years we may not be so treated. This year when I left Madras I found that the Madras Government had schemes, urgent schemes which required a very large sum of money, something like Rs 84 lakhs. We have been working at a deficit all these years from 1921 up till now, except in one year when the Government of India gave us Rs 125 lakhs. We want now Rs 84 lakhs. I find in the budget speech of the Finance Member of Madras, a copy of which I got to-day, that utilising the Rs 57 lakhs which they get they still have to borrow something like Rs 20 lakhs. I am not sure how that is made up. I know that they wanted something like Rs 84 lakhs for schemes that cannot be put off. I would like to

refer the Council, and the Finance Member in particular, to the nature of the expenditure which the Madras Government have to undergo in order that they might realize the seriousness of the situation. I will read only one item for the purpose of explanation and then the House will see what they are like. I take the item of irrigation works. Many of these works were neglected in past years because the Government of India were taking away the money which should have been left with us. The result was that the recent floods and cyclones necessitated large expenditure on new works and on the restoration of old ones. It is a case of bad economy. In Madras these irrigation works are destroyed by floods and they get out of repair. The ryots have to suffer on that account, because floods are common in that part of the country. The result is that we have to spend more money and the ryots are put to much suffering. The expenditure on the flood damage alone amounted to 25 lakhs in 1924-25 and in the present year it is estimated at 12 lakhs. In 1926-27 there is a demand for 8 lakhs for the repair of flood damages and for maintaining these irrigation works. That will show the nature of the task before the Madras Government, and that will also show that if the work is not carried out it will result in irreparable injury to the province. In public works the case is the same. Hospitals and schools are suffering. I could give you my practical proposal for this year. You are constituting a permanent fund of 50 lakhs for Archaeology. You have first to meet destitution and think of these matters afterwards. The Archaeological Department do not want any definite sum of money to carry out their works this year and we are suffering so much for want of money. As I said, our schools and hospitals and buildings are suffering. We have to build public offices and that requires money. For public health we want money. Give us as much as you can. For development we want more money. For education we can use any amount that comes to us. So I would ask the Finance Member now to divert to Madras that which you are giving for Archaeology. You have been doing a grave injustice for the last seven years. The least I can ask of you is to do justice, bare justice and give us something, anything in addition, towards the debt we have to incur this year.

THE HONOURABLE MR. MANMOHANDAS RAMJI VORA (Bombay Non-Muhammadan). Sir, before I deal with the Budget proper, I shall congratulate the Government on their wisdom to see their way to abolish the obnoxious cotton excise duty which was a source of widespread irritation and discontent. The abolition of the duty was long overdue and we really wonder why the Finance Member did not find it expedient to advise its removal, when, last year in August, a Deputation of the Bombay and Ahmedabad Millowners' Association waited on His Excellency the Viceroy. We were then told that the Government could not do anything in the matter at that time of year and yet, within three months, came the announcement of the death-knell of the duty—a striking illustration of the mentality typical of the officials of this country. However late, we congratulate the Government of Lord Reading on having righted a great wrong and thus cleaned the slate for ever. While on this subject, Sir Basil Blackett, in reply to one of the criticisms on the Budget from Bombay, said that Bombay secures the benefit of the repeal of the excise duty. May I ask the Honourable Member if it is Bombay alone that gets the benefit, or does the benefit not extend to the consumers of Indian made cloth all over the country?

I congratulate the Finance Department on presenting a well-balanced surplus Budget. The surplus enables Government to provide for the remission of provincial contributions, but it comes to us as a surprise, that in spite of the fact that Bombay has to face a deficit of 60 lakhs in her Budget, the Central Government have not felt it proper to grant her any relief. Bombay has been clamouring for the revision of the Meston Award, but its voice has fallen on deaf ears. Other provinces, which contribute far less to the Central Government in income-tax than Bombay, receive some measure of relief, while Bombay has been deliberately excluded. I cannot pass over this subject without raising a strong protest against the attitude of the Finance Department, of calculated injustice to a province which contributes more than any other province, directly and indirectly, to the Central Government.

The military expenditure calls for some remarks. In spite of its gradual decrease, the condition of the country does not warrant the present figure of expenditure, and serious efforts, which are bound to prove successful, should be made to further reduce it by at least ten crores.

As for Posts and Telegraphs, we should have liked to see the postage on postcards and the letters restored to the pre-war rates. I suggest that the sum of 50 lakhs set aside for the Archæological Fund should be utilized for the reduction of the postal rates to quarter anna for the postcard, and half an anna for letters. Our archæological research work could very easily wait till a more prosperous time. I trust that it is not too late even now for the Government to realize the necessity of this step so as to afford relief to the poor. The Postal Department shows a profit in its working, and there is no reason why both the card and the letter should not be cheapened. I should also strongly recommend the separation of the Postal from the Telegraph accounts so that each Department might be stimulated to show better results, and pay its own way. As it is, the Postal Department is working at a profit and the Telegraph Department secures that profit, which ought rightly to be utilized towards the reduction of the postal rates.

A plea has been advanced, in another place and also here that the burden of taxation might be lightened by the reduction of the customs duties on such articles, as clothing, motor cars, tinned foods and patent medicines. If by "clothing", is meant, "ready-made clothing", I wonder how many poor Indians, for whom relief was sought, use that sort of garment or tinned foods, but if "textile cloth" is meant, then I say that very few so-called poor buy the costly imported material. It is the rich who use this fine stuff, and they can well afford to pay the extra duty needed for the revenues. Motor cars are luxuries and as such are rightly taxed. They are undoubtedly a saving in time and money, and those who are able to effect such saving must bear the tax however heavy it may be, because it is not a recurrent tax, but paid only once.

I will now close my remarks, but not without a word of praise for Sir Basil Blackett, to whom it is that we owe the stoppage of the deficits, which during the five years from 1918-19 to 1922-23, amounted to the alarming figure of 98 crores. We also appreciate and welcome the scheme of debt redemption introduced by him. This country is grateful to him for his prudent and careful management of her finances, and this is the fourth year in succession that the working of each year has ended with a surplus, and I must say that we owe it all to the able and

stewardship of Sir Basil Blackett, who may legitimately feel proud of his achievement

THE HONOURABLE MR K. C ROY (Bengal Nominated Non-Official), Sir, before I discuss the Budget I should like to congratulate the Honourable Mr McWatters, who the other day gave a very lucid exposition of the financial stewardship of Sir Basil Blackett. He will be very soon leaving us but I hope, Sir, his absence will be only temporary. I hope he will come back to the Government of India, the Government which he has served so well and for so many years. (Applause) My Honourable friend Sir Arthur Froom and the Honourable Maharajahdiraja Bahadur of Burdwan have spoken on behalf of commerce and on behalf of the land-owning classes, but I wish to voice the voice of the layman. To me the Budget has three striking features. First, Sir, is the surplus, second and the most important is the ways and means position and thirdly the cash certificates. I am sorry, Sir, I cannot congratulate Sir Basil Blackett on his surplus. He has had a surplus for 4 years. This is the fourth surplus Budget, and I am glad, glad for his sake as well as for the sake of the country, that he is having what are known as fat years. It was Sir Guy Fleetwood Wilson who told us that India passes through a series of lean years and a series of fat years. We are now having fat years and perhaps—I hope not—the lean years are in prospect. This year though trade has been suffering from depression Sir Basil Blackett has got a surplus and has exercised a wise discretion in the disposal of his surplus. But, Sir, I am grateful to him, more than grateful to him, for the admirable way he has handled the ways and means. It is here that you find the master mind. He is looking decades ahead, and is laying the foundations of a sound financial structure so essential for the success of our constitution. He has made progress in lowering our unproductive debt. He is lowering our interest charges and he is trying to secure for us a credit which India has never attained before, so that she may be able to borrow at lesser and lesser rates of interest. But I join my friend the Honourable Raja Nawab Ali Khan in entering a protest against the scheme for making postal cash certificates less productive to the investor than they are. It is Sir Basil Blackett who conceived this great idea of bringing the poor investor within reach of a gilt-edged security. That was well done, marvellously done. But what does he propose to do now? He wants to take away the attractive features and give them lower terms. Is he right? What has he done for the village investor? Has he undertaken the extension of co-operative banks, banking societies, postal savings banks in remote parts in rural area? And if he does take it away, what will be the inevitable result? The small investor will go to the village market and lend his money on short term. Tradesmen will set up a small business and no sooner has he done so the money might be withdrawn, the capital will have gone and the trade is gone. Sir, that is the position. I therefore appeal to him not to really take away the privilege that he has given to the poor man in the post office cash certificate. He gave us a somewhat similar threat two years ago but he did not carry it out. I hope, Sir, he will not do so this year.

If you will permit me, Sir, I will now turn to the grant for what is known as General Administration. I will say a few words on the Executive Council. I will not say that we should turn down the vote for the Executive Council. My complaint is, Sir, that the Executive Council is too small for a great country like India. In no country in the world, Sir, is there an Executive Council or Cabinet of six. Even in Newfoundland, which is a

small British Dominion, there is a Cabinet of seven. But here for one-fifth of the human race we have six men, the advisers of the Governor General. It is a slight for the gods. (Laughter.) And, Sir, what is the amount you have provided for them, for their travelling? Only Rs 60,000. I do not consider that enough. So long as Members of the Executive Council are responsible for administering all Central subjects in the provinces, they ought to tour very largely. And I know, Sir, from personal experience that the tours of Members of the Executive Council have been productive of great good to the country and to the Government of India. The visits of Sir Basil Blackett and Sir Charles Innes to commercial centres and of the Honourable the Home Member to the Andamans during the last year have been very valuable indeed.

Now, Sir, I come to the provision for legislative bodies. I am gratified to find that there is no provision for the separation of the legislative bodies from the Legislative Department of the Government of India. I do not think, Sir, that the time has come for such a change. That change ought to be kept pending till the Statutory Commission comes out, and I hope, Sir, that the Statutory Commission will come out to India next cold weather. There is a misapprehension in the minds of some as to the functions of the Legislature and of the Government. The Council exists for the Government, the President also exists for the Government. He is not a judge or an arbitrator between the Government and the representatives of the people. On the other hand it is the function of the Legislature to support the administration. Let us have complete unity between the Legislature and the Government and let us have no separation.

Sir, I now turn to the Demand of the Foreign Department. If I were in the Legislative Assembly I should move a reduction of one rupee with a view to inviting them to review the situation in the North-West Frontier Province. I hope, Sir, you will allow me to make some remarks on the administration in that province. The other day in another place my friends there were busy with the question of reforms for the North-West Frontier Province. Does the province deserve any reform? It has been a question to me which I have not been able to answer. What do you find in that province? The normal law does not apply. There you have the Crimes Regulation, there you have wild tribes on the borders, there you have raids nearly every day, life and property are unsafe, and there you have a Committee recommending the establishment of responsible Government. Only last evening, Sir, as I was looking over the telegrams of the day, I found a telegram regarding a big raid in the North-West Frontier Province. Is that a province where you can try responsible institutions? What you ought to do, Sir, is to transfer the control of the North-West Frontier Province from the control of the Foreign Office to our Home Department. Let us establish a normal civil Government first with a small civil service on the lines of the Government of Assam, and let us administer the province not solely in the interests of external relations of frontier affairs, but mainly in the interests of the province itself. Then, Sir, will be the time for you to consider whether you ought to have responsible government in the North-West Frontier Province. To me it is not a Muhammadan or a Hindu question, to me it is a question of the success or failure of the reforms, and I am sure, Sir, that if you will try the experiment there, failure is writ large across the scheme.

Sir, I now come to the Home Department, I have a great complaint against that. While, Sir, Bengal pays for the cost of the High Court there,

it is the Home Department here which administers it I am very sorry I said "the Home Department", it is the Governor General in Council It is, Sir, an anomaly and should be wiped out, not completely wiped out in the direction in which some of my friends desire it but it should be wiped out in a very different way It was many years ago that an esteemed gentleman of Madras suggested that all the High Courts should be brought under the direct control of the Government of India, and I am here, Sir, to support that proposition The High Courts should be all brought under the control of the Government of India Only the other day, Sir, when there was excitement over certain police cases in the United Provinces, two members belonging to the legal profession came to me and brought long interviews for publication They said, "Here are innocent men dragged before the Court" I said, "Why not go to the High Court" They said, "Oh, our High Court? There is only one High Court in India, the Calcutta High Court The Allahabad High Court is only a superior Magistrate's Court" I said, "I am not going to hear all these things, you must go to the High Court first and then come to me, and then I shall see what I can do" Sir, you cannot allow the reputation of the High Court to be impaired Sir, while the tendency will be for you to encourage provincial autonomy, the autonomy of the Executive Governments in the Provinces, it is better that the supreme judiciary in the land should be brought under the control of the Governor General in Council Then, again, Sir, I have another complaint against the Honourable Mr Crerar Three years ago, my friend, Diwan Bahadur T' Ranga-chariar, made a motion that the recruitment of Chief Justices of High Courts should not be confined to those who were barristers but should be extended to those who were Vakils or Advocates I hope, Sir, that Mr Crerar will be able to tell us something about it in the near future Then with regard to the question of the separation of judicial and executive functions, it was only the other day that Mr Crerar said that he was not yet in a position to say when that question will be taken up Sir, we must move on, and it is no use sitting over the question We must move on I cannot here support partial separation but complete separation

Then, Sir, the Legislative Department comes next Here, the Legislative Department is in charge of the League of Nations and other international courts At least a friend of mine who went as delegate from India told me that he had received no instructions I think the position was very curious, and I think the time has come when you ought to have a small compact secretariat attached to the Legislative Department to deal with the League of Nations and other cognate bodies Sir, I must say we belonging to the press have received manifold assistance from various officers of the Legislative Department They do us well, and I am here publicly to acknowledge it

Then comes, Sir, the Department of Education, and I see my Honourable friend Sir Muhammad Habibullah is already smiling I have no quarrel with him at all, on the contrary I welcome his generous effort to put our archæology on a firm and solid foundation under a body of men capable of administering it far away from the trammels and interference of the Executive Government and administrative bodies This is what has been done in all civilized countries, and I am glad, Sir, that he and Sir Basil Blackett have been able to do that But, Sir, I am not so unduly enamoured of archæology as my friend, the Honourable the Maharajadhraya Bahadur of Burdwan I love the past, but I live for the present I cherish the undying glory of India in archæology, but, Sir, when I see

my poor countrymen suffering from malarial fever, tuberculosis and other curative and preventible diseases, I must urge that the time has come when there should be funds supplied to tackle these in the first instance. You, Sir, know it as our Chairman how cordially I welcomed the foundation of the Indian Branch of the British Empire Leprosy Relief Association, and how I did my best so far as publicity was concerned all over India. But to-day, Sir, may I suggest to Sir Basil Blackett and to Sir Muhammad Habibullah to allot more funds on the same basis as the Archaeological Trust for the prevention and cure of diseases. I am sorry, Sir, my Honourable friend Sir Charles MacWatt is not present in the House, but I know that they have a very small body called the Research Fund Association,—but that is nothing. You are only tinkering with the problem. I am sorry my friend, the Honourable Rao Sahib Di Ramu Rau has taken a vow of silence, otherwise he would have told us all about kala-azar and many other diseases which are really causing such havoc in India. Then, Sir, I saw perhaps to the best of my recollection a proposal to revive the post of Deputy Commissioner of Public Health and I think it is my duty to enter a timely protest. I think it will be a real waste of public funds to create it.

Sir, as regards the Finance Department, over which my Honourable friend Sir Basil Blackett presides, I have practically nothing to say but to acknowledge the way in which he has really utilized Indian talent for the development of his Department. At the same time a word of caution would not be out of place. I think, Sir, he is enlarging the Audit Department far too much, and I have some practical experience of this. I do not think their audit is very useful. They do not produce a balance sheet, they do not verify the bank books, they just come and do their work for a few months and go away and there is just some objection raised by them which has not been done by their predecessors. That audit is lifeless and illusory, and I have heard, Sir, that there is an idea of reviving the office of the Controller of Civil Accounts. All I say, Sir, is that it would be useless. It was rightly axed by the Inchcape Committee.

I am very sorry, Sir, that His Excellency is not present here to-day. I listened with very great admiration to the speech he made the other day. He said that neither Lord Rawlinson nor himself could give a guarantee that the army expenditure would go down to the minimum prescribed by the Inchcape Committee. Well, Sir, the standard strength of the Army must be maintained, there is no doubt about that, the standard of efficiency of the army must be kept up, but, Sir, there should be real and genuine efforts to cut down the expenditure on the Army, and that could only be secured by abolishing the present system and by establishing an Army Council for India.

All I say, Sir, is that the time has come when there should be an effort to establish an Army Council for India, and when that is done, there will be men, particularly civilians, who will be able to grapple with the problems in such a way as to secure the economical use of army funds.

Sir, as regards the Department of Labour and Industries I have one suggestion to make. Since the retirement of Sir St John Gebbie as Consulting Engineer to the Government of India was appointed. The time has come when the appointment should be filled, and, if that appointment is not filled, at least a Board of Irrigation ought to be constituted. Sir, I am very grateful to you for giving me such a long time and a patient

hearing I have made these suggestions fully conscious that I am a mere amateur, but all the same I place these suggestions before the Government of India for their consideration

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab Non Muhamminadan) Sir, I rise to congratulate the Honourable Sir Basil Blackett on his surplus Budget. I am grateful to Government for the abolition of the cotton excise duties and also for reducing the provincial contributions. I do not regard the Budget as quite satisfactory. As far as I can see, Sir, the surplus is not 305 lakhs, but 576 lakhs. I say that, Sir, because in case the Railway Budget had not been separated, our surplus would have been 576 lakhs and so we expected from the Finance Member that we should be treated as regards remissions in taxation as if our surplus balance was 576 lakhs. In the year 1921-22 the deficit of Railways was 9½ crores. Now, it is a matter of pleasure that the Railways have made up a reserve of 10 crores. In passing I might remark that since the Railway Budget was separated from the General Budget there has been a distinct and clear change of policy of Government in the Railway Department in the matter of treatment of both these Houses of the Legislature in regard to questions. I deplore the change. Now replies to questions are evaded and both Houses are sometimes told to approach the Advisory Committee of Railways with which the questions are concerned.

I cannot understand, Sir, why Rs 50 lakhs have been given away for funding the Archaeological Department. In case an ordinary grant or a recurring grant of Rs 3 lakhs (an amount equivalent to the interest on 50 lakhs) had been given, we could have utilised this amount for other useful purposes as suggested by my Honourable friend Mr K C Roy.

I am sorry, Sir, that military expenditure is still high. It ought to be brought down to 50 crores as was recommended by the Inchcape Committee. I see, Sir, that 54 crores and 58 lakhs have been budgeted for the military expenditure. I shall be obliged if the Honourable the Finance Member will tell us whether this sum includes 174 lakhs, the loss on strategic lines. If it does not, this sum added to 54 crores and 88 lakhs makes a total of 56 crores and 62 lakhs of military expenditure. It is a matter for regret that so far Government have not been able to inform this House as to the result of the deputation of the Honourable Sir Bhupendra Nath Mitra to England to reconcile war accounts and to fight our claims. The Honourable the Finance Member in his speech says

“Negotiations for the settlement of these latter have been vigorously pursued during the year. The issues are complicated, and I am not yet in a position to announce the final outcome.”

It is a pity, Sir, that notwithstanding so many years having passed, the Houses of the Legislature have not yet been informed of the results of the negotiations that have been going on. On page 27 of the Explanatory Memorandum by the Finance Secretary I find that an item of Rs 1,32,000 has been transferred from the military to the civil estimates, the details of which are Rs 43,000 on account of the establishment of the Deputy Financial Adviser, Royal Air Force, Rs 40,000 for the establishment of the budget section and Rs 49,000 for the charges for the Nepal Escort. I should like the Finance Secretary to explain why this item has been transferred from the military to the civil. Last year 7 crores were spent

upon operations in the North-West Frontier Province. This year there have been no such operations and so we expected that there would be a decrease of at least 8 crores in the military Budget.

As regards the Indianization of the army, it has been going on at a snail's pace. It is a matter to be deplored. I am sorry that His Excellency the Commander-in-Chief is not here, as he might perhaps have given his views in this matter as to how soon he wants to remove this real grievance of the Indians. It is a matter of sorrow to find, Sir, that notwithstanding the Indian aspirations, no commissions have been so far allowed to them in the Royal Air Force, Royal Artillery, Royal Engineers, Armoured Cars, and so on. I hope the Government will give them due attention to this matter and allow Indians to be admitted into these Corps.

Last year I raised a protest, Sir, that the burden of the cost of the Kabul Legation should not be borne by India. I told this House that Canada does not bear the cost of its Legation at Washington. But I am sorry to find, Sir, that instead of India being relieved of this burden, a provision in the Budget for Rs. 4,64,000 has been made for the extra buildings for the Kabul Legation. Last year 8 lakhs were budgeted for and with the addition of Rs. 4,64,000 this year, it means a burden of Rs. 12,64,000 unnecessarily on India.

We expected, Sir, that the Government would reduce the rates of postage, particularly on postcards and envelopes. I hope that attention will be paid to this subject. I differ from Mr. K. C. Roy, so far as his remarks on post office cash certificates are concerned. As far as I have been able to make out, the high rate of interest on post office cash certificates does adversely affect Indian banking.

I expected, Sir, that there would be some reduction in the import duty on motor lorries and cars and on agricultural machinery. I also expected that the excise duty on petrol would be abolished. This excise duty on petrol, Sir, is another notorious duty which ought to be immediately removed for it is a matter of great surprise and sorrow to find that Indian petrol is being sold cheaper in England than it is in India, the land of its production.

archæological research we should have a fund for the benefits just mentioned of living persons With these few remarks I beg to close

THE HONOURABLE MR J E B HOTSON (Bombay Nominated Official)
It is rather difficult for an official Member from Bombay to say anything new when discussing the Budget as a whole He has got to dig in King Charles's head and most of you have heard all about King Charles's head already However, I am emboldened to intervene to-day because, while in another place the case of Bombay has been represented from year to year and once again two days ago by official Members from Bombay in language which was impressive from its moderation as much as from its lucidity, it is now some time since the official case of Bombay was laid before this House I think, although the non official Members from Bombay both to day and on previous occasions have stated their point of view with great ability and force, there is a sufficient difference between the non-official point of view and the official point of view to justify me in speaking for a short time It is not my province to speak on many points in the Budget, but unquestionably this must be regarded as a good Budget The floods of eloquence and invective which were expected in another place dried up in barely two hours, and almost everything that has been said this morning has been most appreciative It is, if we cannot quite say a prosperity Budget, at all events, the budget of a solvent nation There is a surplus, and what is more, it is a recurring surplus which has made it possible to distribute boons to objects regarded as deserving On this we must all congratulate the Government of India and in particular the Honourable the Finance Member But it is just because it is a surplus Budget that it is necessary once more to lodge a protest on behalf not only of Bombay but of all the industrial provinces While the Government were poor it was quite impossible for them to take any steps which would have resulted in a loss to themselves It is now when the Government of India have money to spare that those whose rights have been affected injuriously by the financial arrangements which were made a few years ago have some chance of being heeded With one of the two chief proposals in this year's Budget nobody has any quarrel The cotton excise duty has been a grievance for many long years Some people may be inclined to think that latterly the grievance was rather sentimental than real The recent cotton strike in Bombay proved that the existence of the excise duty was a serious danger to the prosperity of the Presidency Its disappearance, therefore, will be welcomed by all and nobody wants to see it back again

The other main feature in the Budget is the one about which I have to speak, that is to say, the proposal to reduce certain of the provincial contributions to the Central Government The protest which is made on behalf of all the industrial provinces is not founded on ill-feeling against those provinces which are more fortunate, it is not founded on any animosity against them It is not provincial in its character Emphatically it is not, as has been alleged, anti-national On the contrary the argument that is now advanced that the Meston Settlement should be revised and the Devolution Rules altered is based on the strongest and most truly national grounds The grievance of the charge against the settlement is that it deprives not one province, not any one group of provinces but all the provinces in India of their elastic sources of revenue The true effect of the Settlement is still to some extent obscure as regards certain provinces which have had to pay large provincial contributions Their revenues are now experiencing a certain mechanical growth and will for some short time continue to experience further growth of the same kind by the remission

by degrees of the provincial contributions. We all hope that the time will come when these provincial contributions will entirely disappear. When that day comes, if the Settlement has not meanwhile been altered, those provinces will find that they have been wandering on a bye-path which leads them not here except into the morass of stagnant revenues, while all the time they might have been advancing on the high road of growth and progress. They might have been developing their muscles by a natural, not a mechanical expansion. It is therefore fair to urge that it is in the interests of India as a whole that the revision of the Settlement and of the Devolution Rules should precede and not succeed the reduction and the extinction of the provincial contributions.

Before I go on to deal with the reasons which made this revision necessary I should like to deal for a moment with two arguments which I have often heard against the Bombay case. The first is that Bombay ought to be satisfied this year because they have had the remission of the cotton excise duty. Now the prosperity of the cotton industry is of the very greatest importance to Bombay as indeed to the whole of India, but financially that industry is rather a burden rather than a source of strength to the Bombay Government. The large concentrations of industrial populations, not only in Bombay City but in other parts of the Presidency, impose upon the Government of Bombay very large expenditure upon education, upon sanitation, upon medical relief and particularly on police, which would not otherwise be necessary. On the other hand the income-tax, the super-tax and the customs duty upon articles required for the mills themselves, still more the customs duties on all the articles which the increased wealth distributed by the mills to their shareholders and their employees allow to be imported—all these duties go to the Government of India and no part of them goes to the Government of Bombay. I believe that it was by the Finance Member himself that the Bombay Government was advised some little time ago to cast its bread upon the waters. The Government of India have acted upon that advice. When they remit the cotton excise duty, they ensure that the wealth which they are thus giving away will return by different channels to their own coffers in the shape of increased customs, increased income tax and in other ways. They are getting everything except what is given to the industry itself. The Government of India and the industry share the advantages. To the Government of Bombay falls only the negative advantage of being spared from a crisis which at one time seemed likely to impose a severe strain upon the forces of law and order. The other argument I have heard is that it is selfish of the Government of Bombay to ask for advantages to itself which could only come from the loss of others. Now, Mr President, if you were in the clutches of a robber who was rifling both your pockets and if the robber told you that henceforward he would leave one of your pockets alone and would only take what he wanted out of the other. I do not think that you would be satisfied. You would probably go on calling for the police just as lustily as you did before. This is in some degree the position of the Government of Bombay. At the same time, if we leave that distant and most improbable analogy, I think that it can be shown that the argument is otherwise invalid. If any one says that he opposes the inquiry which is now asked for by the Government of Bombay on the ground that that inquiry is certain to profit Bombay, then he implicitly admits in advance the truth and the justice of the Bombay claim. For what is that claim? It is not for an immediate advantage. It is only for an inquiry into the

Settlement and into the rules, which shall result in a new settlement, which will be admitted to be fair to all parties, or will at all events be more generally so admitted than is the case at present. It may conceivably happen that as a result of that inquiry Bombay will not get any immediate advantage. Welcome as financial aid would be in the difficult times through which the Government of Bombay is passing at the present moment, the Government would be willing to accept such a result, provided only that by the revised settlement they were assured of a source of revenue which could be trusted to expand steadily in some measure in proportion to the constantly increasing cost of every branch of the administration. It is easy to show that the Meston Committee itself did not intend to tie down any of the provinces to stationary revenues. They have said

"We have inquired into the relative taxable capacity of the provinces in the light of their agricultural and industrial wealth. It should be observed that we have considered their taxable capacities not only as they are at the present time or as they will be in the immediate future, but from the point of view also of the capacity of each province for expansion and development agriculturally and industrially. We have also given consideration to the elasticity of the existing heads of revenue which will be secured to each province and to the availability of its wealth for taxation."

Now it can be proved that the deductions which were made by that Committee were at the time when they were made demonstrably false. They thought that Bombay in particular might look for reasonable elasticity. Their argument is vitiated by the fact that they selected two single years as the basis for their conclusions. As regards the land revenue, they found that the increase in 8 years had been 32 per cent, an average of 4 per cent, and they expected that this increase would continue in the same ratio. Those figures were taken, the first from the actuals of a famine year in which the revenue had fallen by one crore and a half, and the second figure they took was not the actuals but merely the estimates of a year which had been expected to be prosperous. They thought that excise revenue would continue to expand by 12½ per cent per annum in spite of the fact that most of the increase during the 8 years had been due to a change in the system from fixed fees to auctions, and that the increase derived from that change could never be repeated. As for stamps, the estimates for the year 1920-21 were those for a boom year. It is possible that the Committee thought that that boom would continue indefinitely. If they did so, they were rash. Their anticipations were not justified by the facts then known, which perhaps had not come to their notice during the 8 weeks within which their inquiries into the resources of the whole of India were confined. Their anticipations have at any rate been entirely falsified by the results. I will not go into the figures which have been laid before the Legislature and the Government of India on many previous occasions, and notably in the representation which was submitted by the Legislative Council of Bombay last year. All I wish to do is to bring up to date certain of the figures therein mentioned. Had the expectations of the Meston Committee been realised the land revenue in Bombay for 1925-26 should have been 743 lakhs. The actual figure for 1924-25 was 569 lakhs. The revised estimates for the current year are 578 lakhs. The excise revenue should, according to the same calculations, have been 558 lakhs in 1925-26. The actuals for 1924-25 were 443 lakhs, and the revised estimate for 1925-26, 446 lakhs. Stamps were expected to reach 237 lakhs during this year. The actuals for last year were 178 lakhs, and the revised estimates for the year now coming to an end, 173 lakhs. In point

of fact neither under any one of these heads of revenue nor in the totals has the revenue of Bombay in any single year during the last five years reached the figure which was estimated to be the starting point in 1920-21. The deficiency, below the revenue which the Meston Committee expected Bombay to receive of the revenues which have actually been received in those five years is no less than 1,240 lakhs. Now as touching the possible argument that the Government of Bombay has not done all in its power to increase the land revenue, I should invite attention to the figures given in paragraph 92 of the Report of the Indian Taxation Inquiry Committee, for which we are so much indebted to two Members, who now belong to this House and to their colleagues. Those figures show the progress in the land revenue of all India in the 20 years from 1903-04 to 1923-24. The increase in those 20 years has been 20·4 per cent, that is one per cent per annum, not the 4 per cent per annum which was expected for Bombay by the Meston Committee—and yet we must suppose that the greater part of the increase has been in provinces which 20 years ago were not so far developed as was Bombay at that time. That is to say it would have been impossible for Bombay to have forced its pace in this matter. Some of us here would perhaps go further and say in the light again of the views stated in this report of the Indian Taxation Inquiry Committee on the land revenue system, that it would not have been right to have gone faster than the Government of Bombay has actually gone. I do not wish to commit myself on this point. I will not go further than saying with all due deference that, while it might not be improper to aim at a steady increase at a regular rate in the land revenue of Bombay the views of the Taxation Inquiry Committee deserve the fullest consideration and will undoubtedly receive it.

Now, where are we to look for the remedy? Last year it was urged that the classification of the income-tax should be changed and that the whole or a large part of it should be made provincial. This same report of the Taxation Inquiry Committee has perhaps made it more difficult, at least until the whole of the Report is digested, to say that this is the only possible remedy. At the same time that report, with all its great weight, does undoubtedly support the claims of Bombay and Bengal to a share in the income-tax. Chapters IX and XVI examine the whole matter with the utmost impartiality and the conclusion that at the very least Devolution Rule 15 must be substantially modified without delay, is irresistible. This modification, I may add, must be substantial. The Devolution Rule, as it stands now, purports to give to Bombay and the other industrial provinces a share in the income-tax. But its effect has been that Bombay for years, for several years, has received nothing, and cannot expect to receive anything until there is a marked improvement in trade. Bombay cannot wait for that improvement and if it did wait, the return which it would receive from the Rule as it stands now would be far below that to which it is justly entitled. It was in this connection that I meant to refer to the heavy expenditure entailed in the Government of Bombay by the mill industry. I will not tire the House with figures. I will only point out that this heavy expenditure is itself the best reason why the Government of Bombay should share in the revenue which is derived from that industry. I might, however, perhaps touch without relevance on an argument which has often been brought forward by members of the Swaraj Party. They say that it is no good to give any additional revenues to any of the existing Governments in India, because they are invariably misused

To those of this way of thinking, I would commend a reference to some very interesting graphical illustrations which appear at the beginning of the blue-book submitted with the Bombay Budget of this year, particularly to No 3. This graph shows that education in 1910-11 cost 50 lakhs of rupees and now costs over 200 lakhs. In fact, it has become the largest single item of expenditure in the Bombay Budget. Similarly Medical has risen from about 16 lakhs to over 50 lakhs. These are truly nation-building activities and even if we do not limit that term as narrowly as some of the politicians do, we must admit that these activities are deserving of support. If the revenues of the Bombay Government are not allowed to expand, it will not only be necessary to curb the growth of expenditure of these and other branches of the administration but it is more than probable that we shall have to draw back even from what we are doing now.

In 1924 Mr. R. D. Bell used the following words in another place:

"The Government of Bombay do not seek primarily for such a readjustment as will improve their present position. Their claim, and the claim of other provinces like Bengal for which Devolution Rule 18 offers no attraction is that they should be placed in possession of resources which bear some real relation to their true assets. It may be that such a readjustment will not place them at the outset in any better position than they are at present, and the Government of Bombay recognise that special treatment may be required for the poorer and less developed provinces. What they do seek is an allocation of revenues which will enable them to meet their increasing needs."

I stand by these words now and I am prepared to add that, if the inquiry for which we ask were to result in the transfer from Provincial to Central of some of the less progressive items of revenue, there would be little complaint. It may even be that a study of this particular question and of the general proposals made in the Taxation Inquiry Committee's Report will lead to the introduction of new taxation or perhaps to the extension of some existing form of taxation, such as death duties, which are as yet of limited application. If it be so, it will be necessary to face the situation, and to do everything that is required to insure that justice is given to all the provinces of India. If justice is done, there is no reason to fear that the roof will fall in.

What is the prospect of a move in this direction? The Honourable the Finance Secretary, in spite of all the eloquence with which he introduced the Budget in this House, gave to Bombay and Bengal and their fellow-sufferers no hope. The Honourable the Finance Member in his speech in another place, the larger part of which I had the pleasure of hearing, told us at least that the turn of the other provinces will come and that they have been brought much nearer fruition by the events of the last two years. I am informed that the Finance Member a day or two ago went even further and said—if the report given to me is correct—that he agreed that some revision of the arrangements in the Meston Settlement must ultimately take place and that the Government of India intend during the coming summer to re-examine the question of a re-division of revenues. I believe that he specially mentioned the Income-tax. If the Honourable the Finance Member will repeat or perhaps amplify these words here, I think we shall feel that this discussion has not altogether been in vain.

THE HONOURABLE SIR MUHAMMAD HABIBULLAH (Member for Education, Health and Lands). Sir, before I proceed to express my views on the questions dealt with during this discussion in regard to the departments under my control, it behoves me, as the Leader of the House, to express the apologies of His Excellency the Commander in Chief for his unavoidable absence from the House to-day. More than one Member has

referred to His Excellency's absence from the discussions to-day I can assure the House that nobody regretted his absence more than His Excellency himself. He had entered into an engagement official, of course—long before he had been aware of the fact that the general discussion of the Budget would take place to-day, and in spite of his best efforts to readjust his programme and thus enable him to be present here to day, he found it impossible to do so, and he asked me to convey his sincere regrets to the House.

So, the only matter of importance that has been touched upon in the course of the discussion to-day is that relating to archæology and following from it I suppose medical research. I am indeed gratified that the reception given to this proposal indicates that the House as a whole is one with us on this matter. Those Honourable Members who have spoken have not in the least urged any objections against the proposal but they have made one or two suggestions which indeed deserve the fullest consideration and with which I shall deal. Every Indian who has a love for his country—and I doubt if there is one who has none such—will indeed be proud of the glorious past of his own motherland, and the work which the Archæological Department has set its heart upon is of a nature to justify such natural pride and to wrench from the bosom of the earth those traces and evidences which will fortify such a claim, and I therefore would assert that there is no object which would appeal to a patriotic Indian as the one which the Archæological Department is now engaged upon. My task in justification of this proposal has been considerably simplified by the very convincing and eloquent speech of my Honourable friend, the Maharaja of Burdwan. Of course he spoke in language which I confess is inimitable. He is not satisfied with the provision which we have made under this particular head but he draws our pointed attention to the necessity for the provision of further funds under the heading of the Preservation of Ancient Monuments. I know what an ardent lover of ancient monuments he is. I know the part he has himself played in that direction and I know also how useful he had been as—shall I say—a guide to the late Lord Curzon during the time the latter was engaged upon his memorable activities towards the preservation of ancient monuments in India. The difficulty with the Department was, Sir, that its activities had either to be curbed from time to time or regulated in proportion to the availability of funds from year to year. The recent excavations which have been made and those yet in progress will convince the House of the gigantic task that lies before the Archæological Department still, and if after having programmed for a particular work in the following year it is found to their regret that the financial position of the country will not enable the Finance Department to place those funds at their disposal, one of two things must inevitably happen. You have either to disband the whole of the trained staff whom you had utilised on that work or you have to make a show of carrying on the work merely by continuing to pay the staff but doing no work. That was indeed a very unsatisfactory state of affairs and economically wrong. With a view, therefore, to ensuring a continuity of work it became necessary to envisage a plan whereby the funds necessary for the work could be guaranteed and the officers of the Archæological Department might see as far ahead of them as possible and draw up a programme of work based upon the availability of funds in respect of which a guarantee has now been given to them. This in brief is the scheme which this proposal is intended to follow and I have not the least doubt in my mind that my Honourable friends here will appreciate it.

We had also another object in view. We noticed everywhere interest being taken, more interest being evinced in the archaeological researches. We noticed that Universities were willing to fall into line with our work. We noticed students of Universities willing to take advantage of the existence of this Department to start research work. We therefore were anxious that we should give an opportunity to everyone to join this noble band of archaeological workers and contribute either in money or in brains towards the accomplishment of the grand object we have in view. We expect to train a large number of Indians for this work. We expect to attract—shall I say—large endowments from those who possess the goods of the earth and who are willing to spare a portion for this noble task. We hope, therefore, to work more or less on the lines, as my Honourable colleague the Finance Member pointed out in another place, of the Board of Trustees established in England to work the British Museum. Honourable Members are aware that this interest in Indian archaeology is not confined within the four walls of India but that it has begun to attract eminent students, eminent research workers, in that same line from outside India. We have now calls for information from all parts of the world. Several research workers who are busy in other parts of the world are willing to pay visits to India and carry away with them experiences of the marvellous treasure that India possesses of this nature. Well, we wish to give opportunities to everyone. Who knows that one day even the Rockefeller Trust may probably donate a large sum to this Fund? My Honourable friend the Khan Bahadur from Bombay warned me not to lose sight of the fact that Indians were given every opportunity possible in connection with this new scheme. I may assure the House that it was only yesterday that I had the pleasure of constituting a selection board for the purpose of selecting three Indian scholars to undergo training in the excavations which we are carrying out at Mahenja-Daro. Let me repeat, let me emphasise the point that the intention of the Department is to bring the best brains of India in line with this work and thereby stir up further interest in it.

I have been asked and very rightly asked by my Honourable friend, Mr. K. C. Roy, and another as to why this partial treatment has been accorded to Archaeology, while the needs of medical research demanded greater attention. It was pointedly mentioned, I believe, that there is a large number of preventable diseases in India in regard to which if we possessed a little more knowledge we might perhaps minimise human mortality. I agree, but may I remind Honourable Members of this House of the existence already of an association called the Indian Research Fund Association which is a large expert body, extending its operations throughout India, which has on its rolls members from all the provinces in India and which again has got two committees, called an Advisory Committee and the Governing Body of the latter of which I have the honour to be President. This organisation is intended to carry on exactly the same work which my two Honourable friends there have suggested. This Association has already got an endowment fund of the face value of 52 lakhs, it gets in the shape of annual interest a sum of nearly 2½ lakhs. Besides this endowment, the Government of India were making large donations for the upkeep of that institution. But, as a result of the Incheape cut, many a useful object had to surrender itself at the altar of that axe, and this Association did not fare better, but with the renewal of, shall I call, prosperity in the financial condition, during the current year I was able to persuade my Honourable colleague the Finance Member to restore 3 out of the 5 lakhs of the contribution which was being made to this fund until the Incheape axe came into operation. And during the next year the House

Government of India in regard to Education do not begin and end with the grants to the three Universities which are regarded as All India

They have also, I should say, very great responsibilities in the matter of the elementary, secondary and higher education of those parts of India which are regarded as directly administered by them, and as a proof of the fact that they have not neglected or omitted to take into account the needs of education in those provinces, I will again invite the attention of the House to paragraph 52 which gives details of the further grants which we have made to the North West Frontier Province. We are examining the whole question as regards the needs of the nation building departments and I hope to be in a position to prepare a programme indicating how these departments will have to be financed from year to year, and when that is done, I hope I shall have evolved a system which will enable us to secure from year to year as much money as we consider essential for the administration and growth of these departments without disturbing the equilibrium of the Imperial Budget.

THE HONOURABLE MR G. S. KHAPARDE (Berar Nominated Non-Official) Sir, I wish to offer a few observations on the Budget more as a layman than as a financier, because I do not understand the technical part of it. From my point of view, and judging it as I usually do, there are four points in favour of the Budget as it has been framed, and three points against it. So, the Budget wins by one point. The four points in favour of the Budget are these. The first is the abolition of the cotton excise duty. I was a college student when it came in, and from my youth I have always objected to it. Reading Fawcett, Mill and others, we always thought that it was objectionable, and we put questions to our professors asking them to reconcile the matter. It was said that the duty was purely for purposes of revenue and not for protection or anything of that kind. I am glad that this enemy has died. Another enemy remains and I have the consolation of being able to fight him hereafter. That is the Gold Standard. I suppose it will come one of these days, and then the second enemy also will have died. The other point in favour of the Budget is that there is a surplus. That surplus is a very good one, amounting to 1,30 lakhs. It is rather a nice sum and that means, I understand, that our permanent income will increase by that amount. If that is so, I am really glad about it. But I feel a little bit of difficulty in this because eminent people think to the contrary. Whereas some think that too little has been given to Archaeology, others think that too much has been given to it. I personally think that the interests of the living are more important than the interests of the dead. The bones have been buried for a long time and they may remain there for a few centuries more. There is no harm done. Here, relief is wanted in various directions and that relief is not afforded. Living persons are supposed to be temples of God Almighty and they suffer. I am one of those who grudge this Rs. 50 lakhs which has been given straightaway. I would not mind a recurring grant or a permanent allowance of Rs. 2 lakhs being made to this department. But you have given away a large slice out of the surplus. However, I suppose that the Honourable the Finance Member will be able to say that some people want too much and some people want too little and therefore that he is right. And there is a good deal in that argument, for if both parties are dissatisfied the judgment is supposed to be correct or we can take it at that at any rate. Then there is this further point of the great relief that there

is no taxation coming and that is a point in favour of the Budget. These are the four points in favour of the Budget. The points against are, first, there is that point about archæology which has become a doubtful point. I had intended to put a mark against it, but since there is a conflict of opinion I put against it a doubtful mark. But there is another point against which I would like to put a strong mark and which I do not understand. The military expenditure we expected to be in the neighbourhood of Rs 50 crores. It has not come to that and it is a good deal more still and we have the Navy staring us in the face and it may come any day and demand large sums. Therefore we need not congratulate ourselves too much on this surplus because it will be eaten away by two Dreadnoughts and there will be no money left for a third Dreadnought. Then there is that thing, the Air Force. Judging things as they are, it seems likely that invasion may come by air. Formerly it came by water and we have got to protect ourselves against both. I do not think that there is any army in this world strong enough to cross the Indian frontier as they did before and our forces are stronger than they were ever in the history of India. I wish that the military expenditure had been to a certain extent brought down nearer to Rs 50 crores than it has been up till now. But my great grievance is as regards the Post Office, something which I do not understand. If I send a letter to England I have got to pay a postage of 2 annas. If a similar letter comes to me from England they have to pay a postage of only three half pence, that is, six pieces of copper. Where is this difference of six pence coming from? It looks rather funny that my friend from England writing to me pays only $1\frac{1}{2}$ annas whereas if I write back I have got to pay a postage of 2 annas. I thought that this matter would have attracted the attention of the Honourable Member and been adjusted. In the case of private correspondence it does not matter much, but to people engaged in business and who have got to write 50 letters a day the difference is a great deal. Is that due to exchange? I do not understand exchange. Does 2 annas here by exchange become six pence in England? Or does six pence in England become 2 annas here by exchange? I do not understand it. Another point on which I spoke before once in this Council and therefore I shall not dwell, is the question of the Posts and Telegraph Department. The Posts and Telegraph Departments do the same service. If they were amalgamated and the telegraphs a little cheapened and the post office people put on the same level as the telegraph men, I think both will profit and there would not be this profit and loss account shown as it is now. The Telegraph Department works at a loss and the Postal Department works at a profit and the profit of the one goes to meet the loss of the other. That is the old story of robbing Peter to pay Paul or something like that. The profits of one department are eaten up by the losses of another. If they are put on one basis as I once proposed before and shall propose again if an opportunity occurs, this source of trouble would have gone for ever.

There is a third source of trouble. That trouble comes in this way. It is all right that we are doing everything possible, but in the matter of utilising this large surplus would it not have been possible to give relief to my province? They have spoken of the remission of provincial contributions. My province never got a single remission. I suppose that unless the child cries, the mother would not feed it. We never cried and never got anything. These eloquent people from Bombay and Madras are getting the whole thing and we have not even a word to say at us.

THE HONOURABLE SIR BASIL BLACKETT You had a crumb last year

THE HONOURABLE MR G S KHAPARDE It is very small, not worth mentioning On the whole, however, the Budget wins, because there is one point in its favour, rather a point and a half and to that extent I congratulate the Honourable the Finance Member and my friend Mr McWatters who gave all his figures without referring to any paper It is reminiscent of the days of Gladstone With these few remarks I shall bring my speech to an end

THE HONOURABLE SIR DINSHAW WACHA (Bombay Nominated Non-Official) Sir, Mr Hotson has anticipated much of what I wanted to say about the manner in which discussion on the Budget has been conducted I heartily congratulate this Chamber on the great sobriety of thought and the dignity and serenity with which it has conducted that discussion There is an atmosphere here which is far different from that of storms and cyclones and thunders and eruptions heard in another place So far I consider that the Council of State has really deserved the name of a Council of Elders Dignity and sobriety go together here Having said so much, I do not wish to detain the House with any abstruse and lengthy disquisition on figures and other financial facts which are, of course, known to you I shall therefore refrain from making any arithmetical diversion on the subject But I wish to point out to the House what the Honourable the Finance Minister has most vividly brought to notice in his Budget There are three outstanding features there which deserve our closest attention But before I specifically refer to these three aspects, let me say at once that this is the third Budget in the financial history of India since the budgetary system was first introduced by the late Mr Wilson in 1860 That was a year or two after the transfer of India to the Crown Mr Wilson was the first Finance Member of the Government of India to overhaul its finance Unfortunately, he died earlier before he had completed the great work he had taken on hand It was he who started the budget system and speaking for myself, not in any spirit of egotism, I may say that I have read and studied every financial statement from 1860 to 1926 I was then a student aged 16 in Elphinstone College My professor used to speak to me in the highest terms of admiration about Mr Wilson and make me read books on finance and economics then known in English Universities From that year forward my love for the study of economics and finance has gone on I have heard and read many speeches on these subjects The overhauling of Indian finance and the introduction of the budgetary system by Mr Wilson was the first epoch Then came the work of consolidation of the Empire in many directions In 1882, during the time of Lord Ripon, when Lord Cromer (or Sir Evelyn Baring as he was then known) made the second and most important epoch in the financial annals of India India was then in a prosperous state He abolished the customs duties altogether, save on arms and liquor and made India free trading after the manner of England With the exception of some export duties India had an open door for all This golden period lasted from 1882 to 1900 India prospered and prospered beyond the most sanguine expectations Free trade developed extensively because there were no customs duties But for free trade India would not have developed so fast as it did After 1882 as many as 50 cotton mills were started in Bombay alone besides a fairly large number in Ahmedabad and other parts of India Thus Lord Ripon's Viceroyalty was instrumental in making the second and most memorable financial epoch in the country Not only here

rupee which has thus saved an annual charge of interest. This year we are only going to borrow, when conversion has been settled, about two crores of rupees. You will learn all that in the chapter of this Budget on ways and means which I say with emphasis is *the most important part* of it. It is the *piece de resistance* of the entire Financial Statement, and I wish that each and everyone of my colleagues, whether he is a financier or not, would study it, because it is therein that they will appreciate the true worth of the laudable efforts which the Finance Member has made in order to put the country's finances on a sounder basis than they have ever been set before. Sir, I need not repeat that in this epoch-making Budget the third feature of note is the saving of interest charges.

I now come to the allocation of the surplus. We should not forget that the Finance Member is the best judge of how to use the small surplus to advantage under the existing situation. It is hardly so large as to relieve the taxpayers of any great burden. In its absence he desires to devote part of it to a most useful intellectual purpose. There are some crying out in the wilderness because 50 lakhs have been given to archaeological research of a far-reaching character. I am really ashamed that there should be any wrangle on an allocation so useful in the interests of Indian history. I have myself been a keen student of archæology from my younger days just as I have been a student of finance. I greedily read all about cave architecture in Western India by the Reverend Dr. Wilson when a boy of 20 and since then my interest has grown and grown with the plethora of archæological literature published during the last half a century, particularly Egyptian, Assyrian, Babylonian and Cretan. I was greatly attracted to the Assyrian when Layard first published his book on the Nimveh antiquities unearthed. I remember having seen him in 1856 or thereabouts when he visited the Elphinstone Institute. It is most amusing that when there is a surplus, one man wants one thing and another another. One suggests "Have this customs duty reduced." But there should be some sense of proportion in the suggestions. We can make scores of suggestions for which even a hundred crores of surplus will not suffice. Let me ask my Honourable friends what they would do if placed in the position of Finance Member? In the first place could we have succeeded in educing the surplus which he has educed? I am not defending him, but I am speaking as an humble student of finance that we ought to look at a surplus for its allocation from a broad point of view and from the amount that may be available in a given year. Reduction of burden on taxes is only practicable with a substantial surplus which might give *real* relief and which may do the greatest good to the country. I dare say that if it be his good fortune before he lays down his office to educe such a big surplus he will do it and be blessed by all India for his talented efforts in that direction.

I have, Sir, now pointed out the three broad and outstanding features of this Budget. If Honourable Members will only consider and reflect upon them they would, I feel sure, agree with me that this is the third epoch-making Budget in the annals of Indian Finance. Coming to military expenditure, I, Sir, have been the severest critic of the Government of India from 1885 to date. As late as two years ago I brought forward a Resolution here requesting the Government of India to appeal to the Secretary of State to get repealed the Army Amalgamation Scheme of 1859, which has been all through these years the bane of India as far as military expenditure is concerned. Nothing has been done and nothing will be done. Because in this matter the War Office is omnipotent. The War Office has behaved

with India on this matter for a hundred years like a Shylock. High personages and even members of the Cabinet have been appointed Presidents of Committees half a dozen times to remonstrate with the War Office in order to see how far reductions can be effected in reference to what are known as 'Capitation Grants'. Once Lord Northbrooke, an ex-Viceroy of India, presided as a member of one of such Committees, to see how far the Capitation Grant might be reduced, but, even he, a financier and capable statesman, was baffled every way. He found himself helpless, and I believe that even to this day the Government of India have been striving their best year after year to see how far the War Office might be induced to reduce this capitation rate, or possibly to see how to get rid of the War Office altogether as far as Indian military affairs go. It is a very serious problem and it is much to be wished that Sir Basil may succeed where hitherto so many have failed. Now, as to the estimates of military expenditure in the Budget. It is now nearly 54½ crores. This is not bad under existing conditions and the time is coming, possibly two years hence, when we may see it brought down to 50 crores by which time a material fall of prices may be expected. People have no idea that the Army requires food and clothing, building materials and many other things. We complain on our own domestic economy, that petroleum is dear, that food is dear, that milk is dear, that wearing apparel is dear, and so on. Are the Army to support themselves upon nothing? Or on air? Or nothing at all? The Government are in exactly the same position as private individuals. They have their own domestic Army expenditure. They have to supply the Army with food, clothing and many necessary things to keep their troop fit and efficient while the scale of necessary expenditure of this character has been still high. We must look at both sides of this problem. Let us not irrationally criticise the Government and that after weighing both sides of the arguments. The longer I have been in this place and the more I have seen of the very reasonable explanations that Government have given on a variety of topics under discussion the more have I been convinced of the fact that military expenditure is righting itself and that everything possible is being done in order to reduce military expenditure to 50 crores. I wish my Honourable friend, His Excellency the Commander-in-Chief was here. The Council might have then heard first-hand from him as to how sincerely he is anxious to bring down military expenditure to the lowest point compatible with average efficiency. As far as civil expenditure is concerned it is bound to be reduced to the irreducible minimum. But please note that it cannot be that in one breath we insist on reduction and on the other demand greater expenditure on social welfare. We cannot demand larger expenditure for education, sanitation and other kindred matters and at the same time cry out for a reduction. The two are not compatible. We cannot say this department or that department is overmanned or overpaid and yet ask for the creation of new offices. It may be that there is waste here and there but the question is, is there any real extravagance? Are Government really spending more money without corresponding service? In short, are they spending money on what is nowadays called "nation-building" that peculiar phrase or slogan that has come into use during the last two years? Well, Sir, I have now pointed out what I consider to be the outstanding features of the Honourable Sir Basil Blakett's Budget. The more we closely study it, the more we ponder over it, the more we will find that it aims at laying the most solid foundation for the future permanence and prosperity of Indian finance in

400 THE HONOURABLE SIR CHARLES TODDINGTON (Madras Nominated Official) Sir, at the risk of being tedious, I feel that I ought not to let pass the challenge that has been thrown down by an Honourable Member behind me, and in taking it up I hope that I shall be able to follow his example in avoiding the use of the language whose excess imparts the cause he loves so well.

He has suggested that certain provinces, of which Madras is one, will soon be wallowing in a quagmire of stagnant revenues and urge them to develop their muscles by imposing and working new taxes. I should like to tell him that, in so far as the Province which I represent is concerned, the supposed quagmire is as dry as a bone and that ever since the Reforms, we have been developing our muscles by working the highest possible rates of Stamps, Court-fees and Registration Fees, while a sister province has been able to sit on the bank and rest from her labours, in other words to repeat the increases for a considerable interval. It is only in the case of the amusement tax that we have not so far developed our muscles and that because it is ill doing so on an empty stomach.

Having said that, Sir, and since I am on my feet, I ask your permission to say a word in defence of two much-maligned institutions,—the Meston Committee and the Government of India.

Of the Meston Committee I would only say this, that while I dislike their award as much as any one else I cannot fail to regard it as the award of the arbitrators appointed by the Secretary of State. But I would add that their award has never been given a trial and that the award which is so often criticised as the award of the Committee is not theirs at all but that of the Secretary of State in Council.

Of the Government of India I would only say this, that while I dislike their award as much as any one else I cannot fail to regard it as the award of the arbitrators appointed by the Secretary of State. But I would add that their award has never been given a trial and that the award which is so often criticised as the award of the Committee is not theirs at all but that of the Secretary of State in Council.

The Government of India are well able to defend themselves against attacks from Madras as from other quarters, but there is one class of attack which I think may be answered for them. We have been told to day of their "calculated injustice" to a particular province. I met that same phrase this morning in a leading article which has the following further passage:

"The deliberate exclusion of Bombay from this measure of relief is of a piece with the invidious attitude of the Government of India during the régime of the present Finance Member towards this Presidency."

It also talks of "the Provinces neglected for this benefit." When statements of this sort are made it seems necessary to issue a reminder of the fact that the proportions in which any sum which the Government of India may find themselves in a position to remit are determined by statutory rule.

distribute what the Legislature declines to vote. Where remissions of revenue are in question the case is different, and here I should like to call special attention to the remission of 6 lakhs of customs duty on Government stores only to provinces which have not received a remission of their contributions. I have endeavoured to trace any sign of connection between these two items and regret to say I have been quite unable to find any.

The Honourable Sir Sankaran Nair has referred to another aspect of the question as enshrined in that curiosity of literature, the amendment of Devolution Rule 18, in which a large amount of legal verbiage is wrapped round the statement that, in the case of the contribution of Bengal, nothing is equal to nothing. In the case of the other provinces this curious equation has the result of making a very substantial something more substantial still. Let me illustrate by the case of Madras. Her initial contribution was to be 35½ per cent of whatever deficit there might be. The initial deficit was 983 lakhs, and 35½ per cent of that is 348. The deficit was reduced by remission of the share of Bengal to 920. But the Madras share was maintained at 348 and was thus increased to 38 per cent.

Sir, in conclusion, I join most whole-heartedly in the chorus of congratulations to the Honourable the Finance Member on a most admirable Budget, about which I have only to make a single reservation which is that it cannot be properly described as a surplus budget until the whole of the deficit that is met by the provinces has been wiped out. I hope that next year we shall see that happy consummation reached and the way clear for a new deal. And I might add, on behalf of the Province from which I come, that we shall welcome a new deal as much as any one else, since we are convinced that no new deal that is fair to all concerned can leave us worse off than we are.

THE HONOURABLE SIR BASIL BLACKETT (Finance Member) Sir, before I proceed to embark on my reply to the very interesting discussion which has taken place, I desire first of all to express my really grateful thanks to all those Honourable Members—I think nearly every one who spoke—who have said unduly kind things about myself, and in particular to Sir Dinshaw Wacha for his breath-taking-away remarks about myself. And then I wish to congratulate the House on the splendid way in which it has risen to the occasion and seized the opportunity that has been given to it by another place. For almost the first time—certainly for the first time in my recollection—the discussion of the Budget in this House has been in an atmosphere of freshness and originality which it has lacked on other occasions when already for two days speech after speech has been delivered in another place, filling the target with holes so enormous that it has been impossible as a rule for anybody in this House to find any new place at which to make an attack. His Excellency the Commander-in-Chief asked me also to express his regret that he was unable to be present. My Honourable colleague the Leader of the House has already expressed that regret on behalf of the Commander-in-Chief so it only remains for me to express that regret on behalf of myself. I am sure it would have been extremely good for His Excellency to hear some of the things that have been said in this House to day on the subject of military expenditure, and the more so in view of the fact that he was let off in another place.

One special question was asked about military expenditure, I think by my Honourable friend Lala Ram Saran Das. He asked the reason for the transfer of certain charges from the military to civil Budget. My friend

been engaged in the course of the last 2 or 3 years in scrutinising various items and considering how far they had hitherto been correctly allocated — We have, as the House is aware, decided at various times during these last few years to transfer to the military expenditure the charges for stationery used by the military, for posts and telegraph services rendered to the Army in so far as they were not already charged to military, and for customs duties on Government stores imported for military purposes. That had the effect of adding considerably to the total apparent expenditure of the Army though it has not of course increased our actual total outlay. Similarly, there were certain charges of which the Escort in Nepal was one which appeared to be non-military in character which were incurred not for military purposes nor under military control, but for purposes connected with the civil Budget and those have been transferred to the civil Budget. That is the explanation of the transfer which my Honourable friend asked about.

THE HONOURABLE LALA RAM SARAN DAS: What about the other two?

THE HONOURABLE SIR BASIL BLACKETT: I forget what the other two were but the explanation is the same. I think one of them was the Military Finance Department. The explanation is very much the same there. It seemed more properly a civil than a military charge and there was also this point to be taken into consideration, that so long as these charges were under military they were automatically non-votable, and when they were transferred to civil, the question whether they were votable or non-votable had to be considered under rather a different category of rules. I do not propose to deal much further with the military expenditure questions that have been raised except to express my full agreement with what I think is the general sense of this House, that our military expenditure must give us an adequate army, but that we ought not to spend an anna more on the Army than is absolutely necessary. I think that the Honourable Sir Dinshaw Wacha with his usual acumen put his finger on the spot when he said that if we are to hope for a large decrease of expenditure we must look for it only in the capitation grant. The real fact is that beyond certain automatic savings, beyond such savings as may arise from a fall in prices and such savings as may arise from our getting rid of moribund charges mostly arising out of the war, there is no room for any large decrease in military expenditure, unless you can secure some reduction in things like the capitation charge or some reduction in the total troops. The Finance Department and the Army Department will not relax their energies in securing that there shall be no avoidable waste in the expenditure on the Army, but given the necessity for an army of a definite size, I do not think that as things are to day there is very much ground for complaint. I think we have succeeded in eliminating most of the items of extravagance, if there were such, in army expenditure, as a result of the pressure that has been continually exercised in the last few years.

Some reference was made to the figures in regard to stores. It is certainly not a satisfactory thing that it should be discovered at this date that the stocks of stores held by the Army are considerably larger than the figures that were compiled for the purposes of the Retrenchment Committee's inquiry. I am not sure that I would agree with the Honourable gentleman who alluded to these stores in his further suggestion that such a

mistake could never happen in a country where the executive was responsible to the Parliament, for I have a very clear recollection of the discovery of something certainly running into many tens of millions of stores which were unknown to the British Army in the period just after the war, and discoveries also, if I may go into another field, of ships anchored somewhere in the Mediterranean in which the Navy had forgotten all about. Those sorts of mistakes are not, I think, confined to the Government of India. At the same time, it was a very regrettable fact. It was not that the figures given to the Retrenchment Committee were wrong, but they were not complete. They left out to a large extent the Ordnance stores, and I think clothing stores as well were left out. We have been on the track of these surplus stores ever since the war, and particularly since the date of the Retrenchment Committee, and we have been trying to clear the position up. It is as a result of these continued and unrelaxed efforts, that we have now got correct figures. It is also a result of these efforts that we have brought to light the existence of certain shortages in some of the essential stores for which special provision has had to be made partly in the current year and partly in the next year's Budget. It was suggested, I think, in another place by one speaker that the necessity for making up these shortages pointed to some villainy on the part of the Finance Department which had not been giving the Army the money which was absolutely required to keep it efficient. As a matter of fact, the Army did not know that there were shortages until as a result of pressure from the Finance Department inquiry was made into the total stocks, and the Army Department made no suggestion—the Army could be the first to acknowledge this fact—they made no suggestion that this shortage was due to any refusal on the part of the Finance Department to provide funds for necessary ex-

year. You have not got the 50 lakhs to play with once you agree that you must give 2½ lakhs next year and assume that you will continue it for future years. So that, it is to a large extent a book-keeping method of bringing the Archaeological Fund into being in the hope that the Archaeological Fund once in existence will serve the several important purposes on which my Honourable colleague has already spoken. Another suggestion made, to which also my Honourable colleague referred, was that we should use the money for the Medical Research Fund. I think that both the Honourable Mr Roy and the Honourable Mr Ram Saran Das made that suggestion. (Here the Honourable Mr K C Roy wanted to interrupt.) I see that the Honourable Mr Roy is anxious to interrupt and I think I know what he is going to say. He does not want money to be given to the present Medical Research Fund, but he wants a real Medical Research Fund. That is what I gathered from his speech. He wants not the present Medical Research Fund which he thinks is the Government of India under another name. I think he wanted an expert body independent of the Government of India. If that was what he suggested, obviously it is a matter that needs considerable examination and cannot be hurried. If it is merely a proposal that we should do for the Medical Research Fund exactly the same as we have done for Archaeology, it is a matter that we might well consider, that is, reduce our grant for next year to the Medical Research Fund by 2½ lakhs and instead of that, vote Rs 50 lakhs this year as a supplementary estimate out of our surplus as an endowment for the Fund. I do not know whether that would meet the idea the Honourable Mr Roy had in mind.

THE HONOURABLE MR K C ROY. Certainly.

THE HONOURABLE SIR BASIL BLACKETT. It is a point which we might well consider. It must be assumed, however, that the purpose of this grant is not, as I think my Honourable colleague with his natural desire for more money from me seemed to think, to increase the total amount available for Medical Research in 1926-27, but to secure for the Medical Research Fund an endowment of Rs 50 lakhs which would presumably be for all time instead of a grant of 2½ lakhs for next year which might be taken away thereafter. I do not think that we can suggest at the present time a new endowment for additional expenditure over and above what is already provided in next year's Budget, and that among other things for the reason which was given by my Honourable friend Sir Sankaran Nair when he was dealing with the question of Madras's provincial contribution. He approached this subject in what I may call a very truculent mood. He said that Madras was receiving iniquitous treatment. He applied, I think, the words "iniquitous conduct" to the conduct of the Government of India in daring to use monies in the Central Budget for any purpose other than that of reduction of provincial contributions. He seemed to me to take the very extreme view that once provincial contributions came into existence and the Government of India had undertaken—he called it a statutory obligation—to get rid of them as soon as possible, the Government of India had no right to spend any money whatever on any service whatever where it had the slightest choice or the slightest option not to spend it. Whatever optional expenditure there might be in the Budget ought to be rigidly cut out in order to reduce the Madras contribution.

THE HONOURABLE SIR C SANKARAN NAIR. Every avoidable expenditure

THE HONOURABLE SIR BASIL BLACKETT I do not think I have overstated the case when I said "any expenditure that is optional " That is putting the case very high Are the Government to do nothing for any of their research funds, nothing for any Universities with which they are connected, nothing for education in the North-West Frontier Province or in Ajmer, nothing for sanitation in any of those provinces, until they have reduced the Madras contribution? If that is the Madras claim, I do not think it will be supported by the rest of the House, and I would put it to the House that if that is the claim of Madras, there is really no

THE HONOURABLE SIR C SANKARAN NAIR I did not confine it to Madras I spoke for all the provinces

THE HONOURABLE SIR BASIL BLACKETT If that is the claim of the provinces as a whole, I put it to the House that any revision of the Meston Settlement is hopeless, and the wisest thing for the Government of India to do is to leave the Meston Settlement as it is and make no attempt to alter it, and proceed to do their best within their lights in spite of Madras's criticism It is an impossible position The Meston Settlement was framed at a time when the prices were a good deal higher than they are now and when there was a considerable boom in trade in certain directions, and it was undoubtedly optimistic It assumed that the existing revenues of the Government of India plus those of the provinces were sufficient to maintain the services of the Government of India and the provinces at the level at which they were then being maintained and that future increases of revenue would be automatic and would enable increases in the level of expenditure on the services as then maintained The results have however been different It is within the recollection of the House that the Government of India had immediately after that Settlement to impose once and again, three times in three years in succession additional taxation of a very heavy nature in order to make a balanced budget even with the help of the Rs 9 crores from the provinces It is not only the Madras Government or the Government of Bombay that was disappointed as a result of the provincial relations settlement of that year, and ever since that date there has been a deficit between the total revenues of the Government of India and the provinces and the claims of the Government of India and the provinces if you leave out the provincial contributions That is the position at present, and it is quite impossible to alter that position without taking the five crores which at present stand between us and absolute equilibrium from somewhere It can be taken by extra taxation I do not know whether the Honourable Sir Sankaran Nair wishes us immediately to impose additional taxation in order to abolish the provincial contributions But it must come from somewhere The claim of the provinces apparently is that it should come out of the Central Government's pocket, that is, that the Government of India must somehow or other add Rs 5 crores more to their surplus They can only do that by a reduction of expenditure or increase of taxation They are trying to meet that position year by year by a gradual improvement of revenue and gradual reduction of expenditure If it is to be done quickly, it can only be either by cutting off all Government of India expenditure on optional services, that is to say, on all the services in which the elected representatives of India are most interested, or by the imposition of additional taxation It is obviously not a subject which is going to yield to easy treatment, and I would ask Madras to be a little more ready to recognise that Madras is not the whole of India and that Madras's case is not the whole of the case on the subject The

Honourable Mr Hotson, speaking on behalf of Bombay, started I thought by putting the Bombay case very strongly, but he ended by appearing to be unexceptionably reasonable on the subject, and he recognised the existence of the difficulties. But his claim adds to the difficulty anyhow, because he begins by saying that we must get rid of all the provincial contributions, that is to say, we must find 5 crores from somewhere. Then in addition we must find out of Central revenues, if not now, in the future, the amount required to give two at least of the provinces that share of the more elastic revenues of the country which at present go to the Central Government and which he wants to go to the provinces. That is to say, his proposals increase, I do not know by how much but they necessarily increase, the gap between us and the complete equilibrium from the existing figure of 5 crores to something more. I thought the Honourable the Maharaja of Burdwan was going to make an epigram. He said that the worst enemies of the Reforms did not want to see the provincial contributions reduced. I am not sure that the epigram that he did not make is not true, and I would say that the worst enemies of the Reforms are the provincial contributions. They are a very serious difficulty in our way. I do not say that we want to make a complete revision of the settlement in the course of this summer because that is rather optimistic and premature, but we do want to make an attempt to deal with the kernel of the grievances of Bombay, namely, its claim to a share in some of the more elastic revenues. We propose to deal during the summer with the Taxation Committee's proposals on the subject of Devolution Rule 15 and see how far we can come to some agreement, but I would put it to all those who come here to speak and press as strong as they can the claims of their provinces that there must be some give and take in this matter. If each province comes here to press its own point of view to the utmost and to make no allowance for the difficulties of the others or of the Central Government, I venture to prophesy that we shall be talking about the existing Meston Settlement without any change at this time next year, and quite naturally in that event the Government of India will have to decide, if there is no kind of possibility of agreement on this matter, whether their existing policy of getting rid of provincial contributions as quickly as possible may not have to be reconsidered and the whole subject taken up in a new atmosphere.

Several Members spoke and truly about the pressure of taxation on the consumer. The last speaker spoke of the high prices of sporting goods as the result of the tax on things that come in from elsewhere, and Sir Arthur Froom pressed that the general level of our import duties should be reconsidered with a view to reduction. Now it is exactly the existence of the provincial contributions which makes it such a difficult subject. We have this year, as the House is aware, proposed the final abolition of the cotton excise duty, and with the exception of one speaker that has been universal approved in this House to day. That speaker of course wanted the money for Madras. As long as the provincial contributions are there, the first claim under the policy that we have announced on any surplus is the claims of the provinces and we cannot really take up the question of the level of our taxation with a free hand until we have a Budget that is balanced without assistance from the provinces. At the same time I do hope that we shall be able in the light of the very valuable Report of the Taxation Committee to make some progress during the year and examine our tax system with a view to its improvement, and in this connection I am afraid that the results may not necessarily be altogether pleasing to

everybody in this House The general conclusion of the Taxation Committee, so far as I understand it, is that the existing taxation presses rather more heavily on the very poor in this country than it does proportionately to their ability to pay on the richer classes in the country And that being so, the demands that are made upon me for the reduction of the income-tax and super-tax are obviously not such as are likely to be able to receive an early and favourable reply I quite recognize the objections to a high level of direct taxation, income-tax and super-tax, in so far as they may chain enterprise and prevent the adventurous investment of money in projects that are likely to redound to India's benefit in the future At the same time the ability to pay is a criterion you cannot ignore when you are dealing with taxation problems

While I am on the subject of the cotton excise duty I should like to take up a point made by my friend Mr Manmohan Ramji He asked why the Government of India refused in August 1925 to consider the suspension of the cotton excise duty and agreed to do it in December I do not think that he quoted accurately what was done by His Excellency the Viceroy and by the Government of India in regard to the demand for abolition or suspension of the duty in August and September The body that came in deputation to His Excellency in August asked for the abolition of the duty They said nothing about suspension They were told that we could not agree, except in very exceptional circumstances, to the abolition of a duty of this sort in the middle of the year at a time when the monsoon had not declared itself and when you had complete uncertainty as to whether the budget estimates would be realized or not and without any knowledge whatsoever of the position that was likely to be reached in the year after It is true that suspension was asked for in another place in a debate during September, and the reply to that was that the Government of India saw no difference between suspension and abolition except in form and that they could not either suspend or abolish in advance of some knowledge of the outturn of the year and of the expectations of the year after When the suspension actually took place it was stated to be the equivalent to abolition, and it took place at a time when the Government had what they did not possess in August and September, a fairly clear picture of the outturn of the year 1925-26, and were able to see that the effect of suspension was not likely to cause a deficit, and were able to foresee also that the duty could be dispensed with in the year 1926-27 without requiring additional taxation There was a very real difference between the conditions in which suspension or abolition was refused in August and September and the conditions under which it was agreed to in December I think the House ought really to recognize that it would have been extraordinarily objectionable for a duty of that sort to have been given up by a stroke of the pen in the middle of the year, with the possibility that the Government of India might have had to come before the Assembly and this House at this time and ask for some additional taxation to make up for what had been done I ask the House to consider the atmosphere in which they would have received such a proposal before they condemn the action of the Government of India in postponing a decision in regard to the suspension of the cotton excise duty

I have only one more subject I think to refer to Sir Dinshaw Wacha, I was very glad to see recognized that the ways and means and debt portion of the budget speech was in many ways the most important one, because that deals not with day or yesterday or to-morrow, but it has a

bearing on the probable condition of Indian finances for some years to come. It is that part of the Budget which to my mind is the most satisfactory of all this year,—the fact that we shall have been able, if our estimates are realized, over a period of two years to finance something like 60 crores of new capital expenditure on productive purposes without having to go to the market for any new money. I think that is really a very remarkable position, and I am glad to see that it is recognized to be so by the market, for since the Budget has become known, I observe that the prices of the more important Government securities have gone up by a sudden jump over a rupee and a half in one case—a very remarkable movement. The ways and means position is one which really shows the strength of the Government's financial position more than anything else, and the improved credit which it yields ought to have very considerable effects on the charge for interest which the tax-payer will have to pay for years to come, just as the improved credit we have already realized has reduced by nearly 3½ crores the charge for interest as compared with three years ago.

Something has been said by a good many Honourable Members in regard to the post office cash certificates. The cash certificates are old favourites of mine. I was closely concerned with the war savings movement in England at the time when the war savings certificates were first invented and was able to see what an enormous appeal this particular form of investment made to the small investor. They have done very well this year, and I am most anxious that any action we take should not stop the very useful habit of investment among those for whom they are intended. Sharing that opinion, the Honourable Mr Roy and one or two other speakers I think have urged that no reduction should be made in the yield. But it has to be recognized, as is recognized by the Honourable Rai Bahadur Lala Ram Saran Das, that the rate for these cash certificates must bear some relation to the rate for money generally in the market. Otherwise, on the one hand you will be competing unduly with the ordinary dealers in credit and the ordinary deposit banks and the ordinary savings banks, and on the other hand you will probably be encouraging people for whom the cash certificates are not intended to put their money into those certificates, and the result would be that you will be getting your money at six per cent. from people who would probably lend it to you at five or something under five if the cash certificates were at a more reasonable rate. It is a difficult problem. The effect of a reduction may be to damp down the enthusiasm and I think that justifies us in being cautious in the action we take. I see no reason why the rate for a certificate if held for the whole of five years should not be a little bit higher than the rate obtainable on ordinary market investment because it must be remembered that the full rate is only earned if the certificate is held for the full five years. If it is cashed earlier the rate is less but brings no loss to the individual, and there is a premium if an individual holds it for the full time. But I assure those Honourable Members who are anxious on the subject that we shall certainly do our best to avoid such reduction as will damp down the enthusiasm and put a stop to the growing movement for creating a new class of small investor which the post office cash certificates are at present fostering. I again thank the Hon. Sir for the reception which they have given to the Budget and for having in which they listened to my reply which I hope has covered the most of the important points which they have raised in the debate (loud applause)

PART III.

QUESTIONS AND ANSWERS

A —Political.

Wednesday, 3rd February, 1926

CASES SINCE 1920 IN WHICH THE GOVERNOR GENERAL HAS EXERCISED
THE POWER OF CERTIFICATION UNDER SECTION 67-B OF THE
GOVERNMENT OF INDIA ACT

***Mr A Rangaswami Iyengar** Will the Government be pleased to lay on the table a list of cases since 1920 in which the Governor General has exercised the power of certification under section 67B of the Government of India Act, showing the cases in which the Governor General acted under the proviso to that section and brought the certificated measure into force at once and the cases in which he laid such a measure before Parliament and waited for the statutory period before bringing it into force?

Mr L Graham A statement is laid on the table

Statement showing the cases since 1920 in which the Governor General has exercised the power of certification under section 67 B of the Government of India Act

1 The Indian States (Protection against Disaffection) Act, 1922	Action not taken under the proviso to sub section (2) of Section 67-B
2 The Indian Finance Act, 1923	Action taken under that proviso
3 The Indian Finance Act, 1924	Ditto
4 The Bengal Criminal Law Amendment (Supplementary) Act, 1925	Ditto

CASES IN WHICH ACTION HAS BEEN TAKEN UNDER SECTION 52 (3) OF
THE GOVERNMENT OF INDIA AND THE PROVISIO TO RULE 6 OF THE
DEVOLUTION RULES, ETC

***Mr A Rangaswami Iyengar** Will the Government be pleased to obtain and lay on the table of the House a statement showing the cases in which action has been taken in the several provinces in pursuance of the provisions of section 52(3) of the Government of India Act and the proviso to rule 6 of the Devolution Rules and of the provisions of proviso (b) of section 72D (2) of the Act?

The Honourable Sir Alexander Muddiman: I lay on the table a statement giving such of the information asked for as is in the possession of the Government of India

Statement showing the cases in which a Governor has taken action under section 52 (3), etc., of the Government of India Act

(a) The cases in which a Governor has taken action under the Transferred Subjects (Temporary Administration) Rules have been as follows

(i) by the Governor of Bombay on the 15th of December 1923 when the Ministers in that province resigned on the occasion of the second general election for the local Council,

(ii) by the Governor of the Central Provinces in March 1924 on the resignation of the Ministers in that province,

(iii) and (iv) by the Governor of Bengal in August 1924 and March 1925 on the resignation of the Ministers in that province

(b) The only occasion on which the Governor General in Council has taken action under the proviso to rule 6 of the Devolution Rules has been in the case of Bengal where the transfer of all the transferred subjects was suspended with effect from the 13th of June 1925

(c) The Government of India have no detailed information in regard to the cases in which the Governors of the various Provinces have exercised their powers under proviso (b) to sub section (2) of section 72D of the Act, and they do not consider that any useful purpose would be served by obtaining it at present

Wednesday, 27th January, 1926

RELEASE OF BENGAL INTERNEES

***Mr Chaman Lall** (a) Will Government inform the House whether they have now any intention of releasing the gentlemen arrested under the Bengal Ordinance?

(b) If not, will Government be pleased to place a statement before the House giving the name, occupation, present place of detention, present state of health and the reasons for detention of each one of the internees?

Mr H Tonkinson (a) I invite the Honourable Member's attention to the reply given to question No 89 on the 26th August, 1925

(b) The Bengal Ordinance has been replaced by the Bengal Criminal Law Amendment Act, 1925 That Act is administered by the Government of Bengal The Government of India are consequently not in possession of the information asked for

Mr Chaman Lall May I ask whether the Honourable Member would not consider it a matter of ordinary courtesy to inform the Honourable Member, who is asking the question, what the reply to the question previously asked was?

Mr H Tonkinson No

Mr Chaman Lall Will the Honourable Member consider it a matter within his jurisdiction to answer the question, considering that it is a matter of law and order?

Mr H Tonkinson No

Mr Chaman Lall Has the Honourable Member no other reply to give but the monosyllable "No"?

Mr K Ahmed In view of the fact that the Government gave a certain answer in August last, and that five or six months have now elapsed, is there any change of attitude on the part of the Government to be expected in the matter at present? The Government might as well answer that the world is progressing? Sir?

Mr Chaman Lal May I ask the Honourable Member, Sir, whether he will not consider it incumbent upon him to answer this question, considering that it has been admitted

Mr. H Tonkinson Sir, I have already answered the question

Mr Chaman Lal May I ask the Honourable Member, Sir, whether he is prepared to give this House the information asked for in part (b) of this question?

Mr H Tonkinson I have already informed the Honourable Member, Sir, that the Government of India are not in possession of the information asked for

Mr C. S Ranga Iyer Will the Government of India try to get the information asked for?

Mr H Tonkinson No

Mr O S Ranga Iyer Why should they not try?

Mr H Tonkinson It is a matter of opinion

Mr Chaman Lal May I ask whether the Honourable Member will not reconsider his decision to give this House the information? It is a matter of grave public interest?

Mr H Tonkinson The answer is in the negative

Mr A Rangaswami Iyengar. May I know, Sir, whether, as a matter of fact there are any reasons why the Government do not want to send for the information asked for?

Mr H Tonkinson No The matter is primarily the concern of the Government of Bengal, and in these circumstances the Government of India do not propose to give any information which they have not got

Sir Hari Singh Gour Is it not a fact that the Government of Bengal is subject to the direction, supervision and control of the Government of India and is it not a fact that, if there is lawlessness in Bengal, the Government of India may be requisitioned for military aid? Is it not further a fact that it is the duty of the Government of India to see that they are primarily concerned with the maintenance of law and order throughout British India irrespective of the jurisdiction of the Local Governments?

Mr H Tonkinson If the Honourable Member will divide his question into parts, Sir, I shall be prepared to answer The answer is different to different parts

Sir Hari Singh Gour I did not realise, Sir, that the Honourable Member was suffering from such a short memory I will sub-divide my questions First, is it not a fact that under the Government of India Act, the Governor General in Council possesses the power of direction, supervision and control over all Local Governments including the Government of Bengal?

Mr H Tonkinson In certain respects, Sir

Sir Hari Singh Gour In what respects, Sir? •

Mr H. Tonkinson I should have thought that the answer was obvious to the Honourable Member. The answer is in the case of reserved subjects.

Sir Hari Singh Gour Is not the maintenance of law and order and the apprehension of people without any judicial form a matter within the cognisance of the Government of India calling for the exercise of their power of direction, supervision and control?

Mr. H. Tonkinson That, Sir, is a matter of opinion.

Mr Ohaman Lall May we take it, Sir, that the Honourable Member is ashamed to give this answer to this House?

Mr President Order, order.

Mr K Ahmed Is it not a fact, Sir, that last year, in 1924, I moved a Resolution, which was passed unanimously, to the effect that the Government must answer questions put in this House, though they are important provincial questions, when questions of this character are answered in the House of Commons in England across the sea?

Mr President It is high time that the Chair should intervene now. There is a strong feeling in the House that the information asked for should be supplied by Government and they would be well advised if they consider the desirability of supplying that information. (Applause)

POLITICAL DÉTÉNUS IN BENGAL

***Mr M K Acharya** Will the Government be pleased to furnish

- (a) a list of the Bengal political détenus,
- (b) the status of each before arrest,
- (c) the nature of the restraint now placed on them,
- (d) the period for which each has now been under restraint,
- (e) the places of custody where each is now kept,
- (f) the differentiation, if any, between them and ordinary criminals,
- (g) the offence of which each is suspected, and,
- (h) whether there is any likelihood of any of them being placed upon open trial in the near future?

Mr. H. Tonkinson (a) and (d) I lay on the table a list containing the names of persons detained under Regulation III of 1818 and the dates on which their detention began.

The Bengal Criminal Law Amendment Act, 1925, is administered by the Government of Bengal and any question regarding persons detained under its provisions should be addressed to that Government.

(b) I am not in possession of information in regard to the status of all these persons.

(c), (e) and (f) The persons I have mentioned are all detained in jails, the names of which I am not prepared to give, but they are subject to an entirely different code of rules from persons convicted under the ordinary criminal law and enjoy special concessions in the matter of food, clothing, interviews, letters, literature, recreation, etc.

(g) I am not prepared to give any information other than that which has already been given in the course of debate or otherwise, in regard to the grounds on which action was taken against them

(h) I would refer the Honourable Member to the answer given to question No 296 on 26th August, 1925, which applies equally to the cases of persons detained under Regulation III of 1818

List of Bengal Revolutionaries detained under Regulation III of 1818

Serial No	Name	Date of detention.
1	Man Mohan Bhattachary	25th September, 1923
2	Satish Chandra Bhattachary	Do
3	Jadu Gopal Mukharji	Do
4	Bhupendra Kumar Dutt	Do
5	Jyotish Chandra Ghosh	Do
6	Manoranjan Das Gupta	Do
7	Bhupati Mazumdar	Do
8	Amrita Lal Sarkar	Do
9	Rabindra Nath Sen Gupta	Do
10	Kali Prasad Banerji	27th September, 1923
11	Jiban Lal Chatterji	4th October, 1923
12	Satish Chakravarti	23rd January, 1924
13	Arun Chandra Guha	25th January, 1924
14	Kiran Chandra Mukharji	Do
15	Purna Chandra Das	8th March, 1924
16	Bipin Bhari Ganguli	9th March, 1924
17	Pratul Ganguly	22nd August, 1924

Sir Hari Singh Gour May I inquire whether the detention is limited as to time, or whether the prisoners are detained at the pleasure of the Government?

Mr H Tonkinson I am afraid I must ask for notice of that question

Mr. C. S Ranga Iyer May I ask the Honourable Member to get the information sought for in (b) of question No 325? May I ask him to secure the information which he failed to give to this House?

Mr. H Tonkinson I will consider that point

Mr. K Ahmed. Is it not a fact that a supplementary question is a question which elicits further facts regarding the matter in issue, and in view of that, is not Sir Hari Singh Gour entitled to get his answer from the Honourable the Joint Secretary of the Home Department as to the time within which the Government propose to release these people, or the time for which they wish to keep them in custody at the cost of the Government of India?

Mr H Tonkinson I am afraid I do not recollect the statement, you had better ask the Honourable Member

Mr. A. Rangaswami Iyengar Are we to wait to put questions after the Home Member arrives here? I want to know, after what the Home Member said yesterday, whether it is not the duty of the Government of India to obtain information in regard to each of these détenus?

Mr R K. Shanmukham Chetty Is the Honourable Member aware of the fact that the Home Member told the House yesterday that he took on his shoulders the fullest responsibility for the promulgation of the Ordinance and the detention of these prisoners and did not want to take shelter behind the Local Government?

Mr H Tonkinson I believe that is a fact

Mr R. K. Shanmukham Chetty Then does not the Honourable Member realise that it is the duty of the Government of India to get the information asked for about these political détenus?

Mr H Tonkinson So far as the Bengal Criminal Law Amendment Act is concerned, the answer is in the negative

Mr C S Ranga Iyer Are the Government further aware that the Home Member said yesterday that all the prisoners were treated according to their status while the Honourable Member says he is not in possession of information in regard to their treatment?

The Honourable Sir Charles Innes. May I point out, Sir, that you have already intervened in this matter. The Honourable the Leader of the House will no doubt consider what you have said, and I suggest the matter may be left at that

. Tuesday, 9th March 1926

REDUCTION IN THE WEIGHT OF MR SUBHAS CHANDRA BOSE, A STATE PRISONER AT MANDALAY

***Mr K C Neogy** (on behalf of Mr C S Ranga Iyer) Is it a fact that Mr Subhas Chandra Bose's weight has gone down and that his present weight is 156 lbs ?

The Honourable Sir Alexander Muddiman Mr Bose's present weight has been reduced to 144½ pounds owing to his having been on hunger-strike

GRANT OF ALLOWANCES TO THE STATE PRISONERS AT MANDALAY FOR RELIGIOUS CEREMONIES

***Mr Gaya Prasad Singh** (a) Is it a fact that the expenses of the last Durga Puja and Saraswati Puja performed by the State prisoners and detenues in Mandalay Jail have not yet been paid by Government?

(b) Is it a fact that during the War, State prisoners and detenues confined in Rajshahi Jail were allowed to perform the Durga Puja, and a handsome grant was made by the Government for the purpose?

(c) Is it a fact that a similar grant was made for the prisoners confined under Regulation III of 1818 in the Hazaribagh Central Jail in Bihar on the occasion of the Durga Puja and Saraswati Puja?

(d) Is it a fact that the detenus confined in Berhampur Jail in January, 1925, were allowed to perform the Saraswati Puja, and that a sum of Rs 50 was sanctioned?

(e) Will the Government please state what amount, if any, has been paid to or sanctioned for the prisoners in Mandalay Jail on account of such religious performances?

The Honourable Sir Alexander Muddiman (a) As a special case, the expenses of the last Duga Puja amounting to Rs 500 have been paid by Government. No allowance was made for the Saraswati Puja.

(b) No. The facts are that a sum of Rs 250, the expenditure of which had been wrongly authorised in this connection by the jail authorities and objected to in audit, was later sanctioned by Government in the special circumstances of the case.

(c) The Local Government report that no such grants have been made.

(d) The answer is in the negative. The amount was met from the detenus' allowances.

(e) I have given the reply in answer to (a).

Monday, 22nd February, 1926

STATEMENT LAID ON THE TABLE

THE HONOURABLE MR J. CRERAR (Home Secretary) I lay on the table a statement giving information which was promised in reply to a question asked by the Honourable Mr Anugraha Narayan Sinha, on the 10th February, 1926, regarding Committees appointed in 1922—24.

Year	Names of Committees	Report submitted or not	Expenditure	REMARKS
			Rs A P	
1922	Committee on Public Petitions	Yes	Nil	
	Staff Selection Board Committee	"	Nil	
	Indian Arms Rules Committee	"	16,046 1 0	
	Frontier Enquiry Committee	"	76,550 0 0	
	Railway Industries Committee	"	Nil	
	Seamen's Recruitment Committee	"	7,383 13 11	
	Railway Risk Note Committee	"	4,180 0 0	
	The Indianization Committee	"	Not known.	
	The Waziristan Committee	"	Ditto	

Year	Names of Committees	Report submitted or not	Expenditure			REMARKS
			Rs.	A	P	
1922	The Braithwaite Com- mittee	Yes	22,118	0	0	
	The Indian Retrench- ment Committee	"	71,000	0	0	
	Bengal Pilot Service Committee	"	6,000	0	0	Estimated.
	Machinery Committee	"	1,200	0	0	
	Railway Depreciation Fund Committee	"	38,933	0	0	
	Railway Statistics Revi- sion Committee	"	27,870	0	0	
	New Capital Enquiry Committee	"	8,500	0	0	
	Preliminary Committee on Workmen's Com- pensation Bill	"	3,913	0	0	
	Joint Committee on the Cotton Transport Bill	"	1,813	0	0	Committee met when the legislature was not in Session
	Joint Committee on the Indian Boilers Bill	"	3,951	13	0	Ditto.
	Joint Committee on the Indian Mines Bill					
1923	The Tariff Board	.	1,52,085 (1923-24) (actual)			The Board has sub- mitted 8 reports so far It is still at work.
			1,97,800 (1924-25) (Revised Estimate)			
			1,89,741 (1925-26) (Estimated)			
	Indian Mercantile Marine Committee	Yes	1,37,623	0	0	
	Committee to make re- commendations regard- ing the re-organization of the administrative methods of the Forest Department	"	4,450	0	0	Approximate.
	Coal Dust Committee	The Committee submitted its first report in May, 1924. Its inves- tigations have not yet been com- pleted Further experimental work is being carried out.	A sum of Rs 7,592 has been incurred up to September 15-25 It is an- ticipated that a further expendi- ture of Rs 2,400 will be incurred.			
	Committee on Police Uniforms	Yes	1,500	0	0	Estimated
	Calcutta High Court Retrenchment Com- mittee.	"	2,934	0	0	

Year	Names of Committees	Report submitted or not	Expenditure	REMARKS
			Rs A P	
1923	Indian Bar Committee	Yes	1,17,000 0 0	Approximate including printing charges
	Royal Commission on Superior Services in India	"	4,70,000 0 0	Approximate
	Select Committee on the abolition of Transportation Bill	"	180 0 0	Ditto
1924	Civil Justice Committee	"	2,82,857 0 0	Excluding the cost of printing
	Reforms Inquiry Committee	"	16,000 0 0	
	Carriage and Wagon Standards Committee	"	74,198 0 0	
	Locomotive Standards Committee	"	33,569 0 0	
	Colonies Committee	The Committee was not instructed to submit a report and did not, as a Committee submit any report	37,770 4 0	
	Auxiliary and Territorial Forces Committee	Yes	17,500 0 0	Estimated
	Indian Taxation Inquiry Committee	Report expected shortly	5,00,000 0 0	Approximate.
	External Capital Committee	Yes	Negligible and not separately recorded	
	Coal Committee	"	76,162 0 0	Approximate
	Post and Telegraph Committee	"	28,500 0 0	
	Standing Emigration Committee		5,140 12 0	This is a Standing Committee and meets when the legislature is in sessions. It is elected annually. No formal reports of the meetings of the Committee are submitted.
	Committee of Enquiry into the working of the London Timber Agency of the Government of India	Yes	£754 10-0	

APPENDIX I

*Acts passed by both Chambers of the Indian Legislature during the
Delhi Session, 1926*

- 1 The Small Cause Courts (attachment of immoveable property) Act, 1926
- 2 The Code of Criminal Porcedure (Amendment) Act, 1926
- 3 The Government Trading Taxation Act, 1926
- 4 The Guardians and Wards (Amendment) Act, 1926
- 5 The Indian Lunacy (Amendment) Act, 1926
- 6 The Code of Civil Procedure (Amendment) Act, 1926
- 7 The Indian Naturalization Act, 1926
- 8 The Steel Industry (Amendment) Act, 1926
- 9 The Insolvency (Amendment) Act, 1926
- 10 The Code of Criminal Procedure (Second Amendment) Act, 1926
- 11 The Promissory Notes (Stamp) Act, 1926
- 12 The Contempt of Courts Act, 1926
- 13 The Indian Registration (Amendment) Act, 1926
- 14 The Madras Civil Courts (Amendment) Act, 1926
- 15 The Legal Practitioners (Amendment) Act, 1926
- 16 The Indian Trade Unions Act, 1926
- 17 The Indian Tariff (Amendment) Act, 1926
- 18 The Madras Civil Courts (Second Amendment) Act, 1926
- 19 The Indian Finance Act, 1926
- 20 The Cotton Industry (Statistics) Act, 1926
- 21 The Legal Practitioners (Fees) Act, 1926
- 22 The Code of Civil Procedure (Second Amendment) Act, 1926
- 23 The Delhi Joint Water Board Act, 1926
- 24 The Indian Income-tax (Amendment) Act, 1926
- 25 The Indian Divorce (Amendment) Act, 1926
- 26 The Indian Factories (Amendment) Act, 1926
- 27 The Transfer of Property (Amendment) Act, 1926

APPENDIX II

Statement of official and non-official Bills pending before the Council of State and the Legislative Assembly

No	Bill.	Originating Chamber	REMARKS.
<i>(a) Official</i>			
1	Court-fees (Amendment) Bill	Legislative Assembly	Introduced and referred to Select Committee. Report of the Committee presented.
2	Indian Insurance Companies Bill	Ditto	Introduced and referred to Select Committee
3	Legalative Bodies Corrupt Practices Bill	Ditto	Ditto
4	Indian Bar Councils Bill	Ditto	Ditto
<i>(b) Non-official.</i>			
1	Indian Medical Education Bill (The Honourable Dr U Rama Rau)	Council of State	Introduced and circulated for opinion.
2	Indian Succession (Amendment) Bill (The Honourable Sir Arthur Froom)	Ditto	Passed by the Council of State and laid on the table in the Legislative Assembly
3	Hindu Coparcener's Liability Bill. (Sir H. S. Gour).	Legislative Assembly	Referred to Select Committee. Redrafted at the request of the Committee and circulated for opinion. Report of the Committee presented with the recommendation that no further steps be taken until the Bill is reshaped by some expert Committee on the codification of Hindu Law
4	Weekly Payments Bill. (Diwan Chaman Lal)	Ditto	Introduced and circulated for opinion. Motion for reference to Select Committee withdrawn by the mover
5	Indian Medical Degrees (Amendment) Bill (Mr Kumar Sankar Ray)	Ditto	Introduced. Motion to take the Bill into consideration withdrawn by the mover
6	Indian Arbitration Bill (Mr Harchandrai Vishindas)	Ditto	Introduced and circulated for opinion
7	Criminal Law Repealing and Amending Bill. (Sir H. S. Gour)	Ditto	Introduced.
8	Code of Criminal Procedure (Amendment) Bill (Amendment of section 387) (Mr K.K. Chanda)	Ditto	Ditto.

Statement of official and non-official Bills pending before the Council of State and the Legislative Assembly—contd

REMARKS	No	Bill	Originating Chamber	REMARKS
		(b) Non official—contd.		
Introduced and referred to Select Committee. Report of the Committee presented.	9	Indian Medical Education Bill (Dr K. G. Lohokare)	Legislative Assembly	Introduced.
Introduced and referred to Select Committee.	10	Indian Penal Code (Amendment) Bill (Amendment of section 141) (Sir H. S. Gour)	Ditto	Ditto
Ditto.	11	Indian Penal Code (Amendment) Bill (Amendment of Chapters VI and VIII) (Mr A. Rangaswami Iyengar)	Ditto	Ditto
Ditto.				
Introduced and circulated for opinion.	12	Reservation of the Coastal Traffic of India Bill. (Sardar V N Muthalik)	Ditto	Ditto
Passed by the Council of State and laid on the table in the Legislative Assembly	13	Code of Criminal Procedure (Amendment) Bill (Amendment of section 491) (Mr Amar Nath Dutt)	Ditto	Ditto
Referred to Select Committee. Re-drafted at the request of the Committee and circulated for opinion. Report of the Committee presented with the recommendation that no further steps be taken until the Bill is re-shaped by some expert Committee on the codification of Hindu Law	14	Specific Relief (Amendment) Bill. (Drwan Bahadur M. Ramachandra Rao)	Ditto	Ditto
Introduced and circulated for opinion. Motion for reference to Select Committee withdrawn by the mover	15	Prevention of Deferred Rebates Bill. (Mr K. C. Neogy)	Ditto	Ditto
Introduced. Motion to take the Bill into consideration withdrawn by the mover	16	Prohibition of Export of Cattle Bill. (Pandit Shamlal Nehru)	Ditto	Ditto
Introduced and circulated for opinion	17	Indian Income-tax (Amendment) Bill. (Mr Amar Nath Dutt).	Ditto	Ditto
Introduced.	18	Code of Criminal Procedure (Amendment) Bill (Amendment of section 141) (Mr R. K. Shanmukham Chetty)	Ditto	Ditto
Ditto.	19	Indian Evidence (Amendment) Bill. (Mr K. K. Chanda)	Ditto	Ditto
	20	Imperial Bank of India (Amendment) Bill. (Mr B. Das).	Ditto	Ditto

*Statement of official and non-official Bills pending before the Council of State
and the Legislative Assembly—conold*

No	Bill	Originating Chamber	REMARKS.
	(b) Non-official—conold.		
21	Indian Registration (Amendment) Bill. (Diwan Bahadur M. Ramachandra Rao)	Legislative Assembly	Introduction
22	Hindu Limited Owners Bill. (Diwan Bahadur M Ramachandra Rao)	Ditto	Ditto

APPENDIX II

21st January, 1926

Statement showing non-official Resolutions adopted by the Council of State during the Simla Session, 1924, and action taken by Government thereon

Serial No	Date on which moved	By whom.	Subject of Resolution	Department concerned	Action taken by Government
1	9th September, 1924	The Honourable Sir Maneckji Dadabhoy	Annual provision for the reduction or avoidance of public debt	Finance	It has been decided to make an annual provision for five years commencing from 1926-27 towards reduction or avoidance of debt—vide Government of India, Finance Department, Resolution No. F 1-11 F, dated the 9th December, 1924
2	17th September, 1924	The Honourable Sardar Jogendra Singh.	Appointment of a representative of the producers on the Taxation Enquiry Committee	Do	The Honourable Sardar Jogendra Singh was appointed Member of the Indian Taxation Enquiry Committee
3	22nd September, 1924	Ditto	Appointment of an Indian to the Railway Board	Railway	The Resolution will be borne in mind when making a selection for appointments in the Railway Board as they fall vacant

Statement showing non-official Resolutions adopted by the Council of State during the Delhi Session, 1925, and action taken by Government thereon

Serial No	Date on which moved.	By whom.	Subject of Resolution.	Department concerned.	Action taken by Government.
1	22nd January, 1925	The Honourable Mr Phiroze C Sethna	Removal of the bar upon the admission of Indian students to the University Training Corps attached to the different Universities in the United Kingdom.	Army	The undertaking which was given on behalf of Government has been fulfilled. The Secretary of State was addressed on the subject in March, 1925
2	28th January, 1925	The Honourable Khan Bahadur Ebrahim Haroon Jaffer	Scholarships and prizes for Indian art students engaged in painting, sculpture architecture and artistic craft.	Industries and Labour	Proposals for the establishment of a Central Art Institute at Delhi are at present under consideration of the Government of India
3	16th February 1925	The Honourable Dr. Sir Deva Prasad Sarvadhikary	Supply of Ganges water at and below Narnia.	Do	After consulting the Government of the United Kingdom the Government of India has decided not to take any action on the Resolution
4	17th February, 1925	The Honourable Khan Bahadur Ebrahim Haroon Jaffer	Establishment of a School of Music in Calcutta	Do	As stated during the Session the Government of India has decided not to take any action on the Resolution

Statement showing non-official Resolutions adopted by the Council of State during the Simla Session, 1925, and action taken by Government thereon

Serial No	Date on which moved	By whom	Subject of Resolution	Department concerned	Action taken by Government
1	8th September, 1925	The Honourable Mr Phiroze O Sethna	Indianisation of the staff and establishment of the High Commissions for India in the United Kingdom	Commerce	A copy of the debate on the Resolution has been forwarded to the High Commissioner and he has been informed that the Government of India desire that the principle involved in the Resolution should be followed and that consistently with economy and efficiency opportunities should be taken to Indianise the higher staff of the establishment
2	10th September, 1925	The Honourable Dr Sir Dava Prasad Sarvadhikary	Protection of the rights of Indians in South Africa	Education Health and Lands	The Resolution was communicated to His Majesty's Secretary of State for India by telegram on the 11th September, 1925 and with his approval negotiations were entered into to obtain the consent of the Union Government to the despatch of a deputation to South Africa. The result of these negotiations has been that with the concurrence of the Union Government a deputation consisting of Mr G F Paddison C.S.I. I.C.S. Commissioner of Labour, Madras Sir Dava Prasad Sarvadhikary Kt., C.I.E. and the Honourable Salyad Raza Ali, Member, Council of State, accompanied by Mr G S Bajpai O.B.E., I.C.S., as Secretary is, at present in South Africa collecting information regarding the economic condition and general position of the resident Indian community in South Africa and ascertaining their wishes and requirements, with a view to further representations and discussions on the subject
3	15th September, 1925	The Honourable Dr Sir Dava Prasad Sarvadhikary	Work done by the Central Government in connection with the transferred subjects	Home	The question of the action to be taken is under the consideration of the Government of India
4	Ditto	The Honourable Raj Bahadur Lal Ram Saran Das	Concession rates for railway freight on coal.	Railway	The matter is still under consideration

Statement showing non-official Resolutions adopted by the Legislative Assembly during the Delhi Session, 1925, and action taken by Government thereon

Serial No	Date on which moved.	By whom	Subject of Resolution.	Department concerned	Action taken by Government
1	23rd and 27th January, 1925	Mr B Venkatarajulu	Exchange and Currency Enquiry Committee	Finance	As announced in His Excellency the Viceroy's speech in the Indian Legislature on the 20th August 1925, a Royal Commission on Indian Currency and Finance has been appointed to examine and report on the Indian exchange and currency system and practice
2	27th January and 5th February, 1925	Mr M. K. Acharya	Grievances of the subordinate employees of the Indian Railways	Railway	The Government of India are not in agreement with this Resolution and do not, therefore, propose to initiate the enquiry suggested therein. They have drawn the attention of Railway Administrations to the debates on the Resolution as also on the Budget, and they have no doubt that any genuine grievances which exist will be remedied by the Railway Administrations concerned.
3	28th January and 5th February, 1925	Mr C Duraiswami Aiyangar	Criminal Law Amendment, Ordinance I of 1924	Home	The Government of India have not been able to accept the recommendations contained in the Resolution. No action was accordingly taken other than to report the result of the debate to the Secretary of State
4	12th February, 1925	Sir Purshotamdas Thakurdas	Ventilation of the grievances of Indians in Mandated Territories	Legislative	The Government of India, while unable to contemplate action on the lines recommended, drew the attention of the Secretary of State to the report of the debate and asked him to move for early examination by the Colonial Office of the language grievance which had already been fully represented by the Colonies Committee
5	17th and 19th February, 1925	Mr B Venkatarajulu	Establishment of a Military College	Army	The resolution has been given effect to by the appointment of the Sken Committee.

Statement showing non-official Resolutions adopted by the Legislative Assembly during the Simla Session, 1925, and action taken by Government thereon

Serial No	Date on which moved	By whom	Subject of Resolution.	Department concerned.	Action taken by Government
1	2nd September, 1925	Haji Wajihuddin	Prohibition of liquors	Finance	No action was considered by Government to be necessary
2	2nd September 1925	Dr K. G. Lohokare	Recruitment to the Indian Medical Service	Army	The undertaking which was given by Government to bring the debate to the notice of the Secretary of State has been fulfilled and the question of what further action should be taken with regard to this Resolution is being examined
3	2nd and 16th September, 1925	Pandit Shamlal Nehru.	Amendment of the Electoral Rules in regard to political disqualifications	Home	For the reasons indicated in the Home Department Resolution No F 586-25-Pub, dated the 20th October, 1925 the Government of India were unable to accept the recommendation contained in the Resolution
4	16th September, 1925	Sir Purshotamdas Thakurdas	Suspension of the cotton excise duty	Finance	The collection of the duty has been suspended with effect from the 1st December, 1925—vide Government of India, Finance Department Notification No F-130-F, dated the 1st December, 1925

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the House a division was challenged but the motion was carried by 33 votes against 20

A matter of no less importance than those discussed above and one in which the Indian public is considerably interested, namely, the Privy Council, formed the subject of a resolution.

The Privy Council. The benefits India has derived from the Judicial Committee of His Majesty's Privy Council and the very high regard and esteem in which this body is held in the country had previously led to a defeat of Sir Hari Singh Gouri's efforts to establish a Supreme Court of Appeal in India, and during the last Session the Home Member proposed a scheme intended to perpetuate the benefits India has derived in connection with the appellate work which went before the Privy Council. On the 31st February 1926 the Assembly was asked to consider the following resolution —

“ That this Assembly recommends to the Governor General in Council to take steps to secure

- (1) in the case of future appointments the enhancement of the salaries paid to the two members of His Majesty's Privy Council with Indian experience who sit on the Judicial Committee under the provisions of the Judicial Committee Act of 1833 to hear Indian appeals,
- (2) that they shall be persons possessed of recent knowledge of Indian law and practice,
- (3) that their salary shall be £4,000 per annum each, half of which shall be paid from Indian revenues, and
- (4) that during any period when the salary is enjoyed, any pension payable to either of them from Indian revenues shall lapse ”

After going into the history of the jurisdiction of His Majesty in Council over India and giving the present constitution of the Privy Council which included three Judges with Indian experience of whom two received £400 a year and one did not receive any salary, the Home Member gave figures to show that Indian appeals occupied 36 per cent of the days for hearing in the Privy Council and the House of Lords and 63 per cent in the Judicial Committee. The numbers of appeals before the Judicial Committee from 1911-1917, excluding the Prize Court appeals, were, Indian appeals 514, other appeals 365, that is, 59 per cent or more than half of the appeals before the Judicial Committee were Indian appeals. The proposals contained in the resolution, if assented to, would have to be embodied in Parliamentary legislation before effect could be given to them, and Sir Alexander advised the House not to lose the opportunity which, if taken, might result in very great benefit to the disposal of the judicial business of India. The pay recommended was only reasonable and recent knowledge of Indian law and practice was a very important factor. The Home Member's idea was not only that persons who had held high judicial office in India should be available as a recruiting ground but also that men of high standing at the Bar should not be excluded. Indeed, if they did not take that view they might otherwise be deprived of the chance of considering men of very great eminence. Sir Alexander did not think it right to introduce a racial discrimination which Mr. Ranga-chari wanted because these appointments were of the very highest judicial importance and would be made by the Crown, and the House would not desire an Indian who was not fit for that position to be appointed to it. To take such a view would be to lower this country in the estimation of the world which was the last thing the House

would want to do. At present India was getting the services of the Privy Council at the expense of the English Government. The most important advantage of the Privy Council was that these people got some of the greatest Judges of England to sit on their appeals and the contribution the resolution now asked India to pay was perfectly fair. If the resolution was not accepted the Home Member warned the House that another opportunity might not recur. Sri Han Singh Gouri opposed the resolution because the Dominions had their own independent Supreme Courts and he saw no reason why India should not follow that example. Sri Han Singh did not minimise the value of the work done by the Privy Council but he asked the House to take a longer view and not to commit itself to a position which might later on be found to be embarrassing. Diwan Bahadur Rangachariar moved the following amendment —

“ That in clause (2) for the word ‘ persons ’ the word ‘ Indians ’ be substituted ”

“ That in clause (3) for the figures ‘ £4,000 ’ the figures ‘ £3,000 ’ be substituted and that the words ‘ half of which shall be paid from Indian revenues ’ be deleted ”

He said that he did not want to raise a racial issue but the Judges would have to assist with their experience of India and Indians would therefore be the best, moreover, it could not be said that throughout the country two Indians best suited for the work could not be found. The proposal to share the salaries with the United Kingdom appeared to Mr. Rangachariar ridiculous and he deprecated what he regarded would be a pecuniary discussion by the British Government. The King of England was also the King of India and when His Majesty's subjects appealed to him in Council was it right for England to ask for half the salary of the Judges? Sri Henry Stanyon opposed the amendment and urged that the attempt should be to choose the best and the only principle should be fitness. The emoluments proposed were not extravagant and in view of the importance to India of the Privy Council it was only right that India should pay her share. Diwan Bahadur Ramachandra Rao opposed both the resolution and the amendment and he felt that the matter should be left over until the broader question of constitutional reforms for India was a little more settled. On the financial aspect of the resolution he said that if the analogy was established the Army Council might ask for a contribution and so might the British Cabinet. Mr. Goswami was opposed to the perpetuation of the present system and said that while he acknowledged that the Privy Council had included and did include some of the greatest lawyers India also had had and now possessed lawyers who were second to none. The resolution was also opposed by Maulvi Muhammad Yakub and Mr. Amar Nath Dutt. Maulvi Abul Kasem supporting the resolution and the amendment said that it would give them the services of judges with Indian experience which would be in compliance with the demand they had long been making. Replying to the debate the Home Member expressed his sense of deep depression at the manner in which the House had treated a matter of such importance. He also regretted that two members who ought to have spoken had not spoken and the opposition to the resolution had come from one member from whom it was least expected. The Home Member denied emphatically that the Dominions had been treated better than India, on the contrary, while the British Exchequer had paid for the Indian experience on the Privy Council it had not contributed anything towards securing